



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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शिमला, बुधवार, 26 मार्च, 2008 / 6 चैत्र, 1929

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हिमाचल प्रदेश सरकार

उद्योग विभाग

अधिसूचनाएं

शिमला-2, 25 मार्च, 2008

**संख्या:उद्योग-II(एफ)6-1/2008.-** खनिज रियायत नियम, 1960 के उपबन्धों के अधीन करियाली-कोठी-साल-बाघ क्षेत्र, तहसील सुन्नी, जिला शिमला, हिमाचल प्रदेश में चूना-पत्थर, शेल और क्वार्टजाइट खजिनों के पूर्वेक्षण के लिये पूर्वेक्षण अनुज्ञप्ति पर प्रदान करने के लिये उपलब्ध है जिसे आगे बड़े सीमेंट प्लांट की स्थापना के लिये खनन पट्टे पर दिया जाना है।

अतः हिमाचल प्रदेश के राज्यपाल, खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 की धारा-11 की उपधारा (2) के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना के राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से तीस दिन की अवधि के भीतर विहित प्रपत्र पर हितबद्ध व्यक्ति (व्यक्तियों) से पूर्वेक्षण अनुज्ञप्ति प्रदान करने के लिये आवेदन आमन्त्रित करते हैं। आवेदन निदेशक उद्योग, हिमाचल प्रदेश, उद्योग भवन, शिमला-171001 को भेजे जाने चाहिए। यह भी अधिसूचित करते हैं कि उक्त विनिर्दिष्ट अवधि के भीतर भूमि के बारे में प्राप्त हुए समस्त आवेदन और इस अधिसूचना के प्रकाशित होने की तारीख से पूर्व क्षेत्र के भीतर भूमि की बाबत प्राप्त हुए आवेदन, जिनका निपटारा नहीं हुआ था, उक्त अधिनियम की धारा-11 की उपधारा (2) के अधीन प्राथमिकता देने के प्रयोजन के लिये उसी दिन

प्राप्त हुए समझें जाएंगे। ऐसे प्राप्त आवेदनों का निपटारा निम्न प्राचलों को ध्यान में रखते हुए किया जायेगा जैसे कि:-

विनिधान, जिसे आवेदक कम्पनी खानों में और स्थापित किए जाने वाले प्रस्तावित सीमेंट प्लांट पर करना चाहती है, के साथ योग्यता और प्रतिवद्धता, पर्यावरण सम्बन्धी धारणाओं को ध्यान में रखते हुए खनन एवं समग्र रूप में परियोजना से सम्बन्धित अन्य सुसंगत प्राचल जो खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 की धारा 11 की उपधारा (3) में विनिर्दिष्ट है।

इस प्रकार चयनित आवेदक कम्पनी को चूना-पत्थर, शेल और क्वार्टजाइट के भण्डारों को प्रमाणित करने हेतु सर्वेक्षण/अन्वेषण कार्य अपने खर्चे पर करना होगा। इस प्रकार चयनित आवेदक कम्पनी को खनिज रियायत नियम, 1960 के नियम 16 (1) के प्रावधानों के अनुरूप सर्वेक्षण/अन्वेषण रिपोर्ट समय-समय पर प्रस्तुत करनी होगी।

इस प्रकार चयनित आवेदक कम्पनी को औद्योगिक पॉलिसी गार्ड लाईन्ज 2004 या समय-समय पर इस बारे में संशोधित कोई अन्य मार्गदर्शी सिद्धान्त और सीमेंट प्लांट की स्थापना के लिये राज्य सरकार द्वारा जारी समय-समय पर यथा संशोधित नीति मार्गदर्शी सिद्धान्त में हिमाचलियों को रोजगार प्रदान करने की शर्त को पूरा करना होगा।

आदेश द्वारा,  
हस्ता/-  
प्रधान सचिव।

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[Authoritative English text of this department notification number Udyog-II(F)6-1/2008 dated 25.3.2008 as required under clause (3) of article 348 of the Constitution of India].

## INDUSTRIES DEPARTMENT

### NOTIFICATIONS

*Shimla-2, the 25<sup>th</sup> March, 2008*

**No. Ind-II(F)6-1/2008.**— Whereas an area is available for the grant of Prospecting Licence for prospecting of Limestone, Shale and Quartzite minerals in Kariali-Kothi-Sal Bagh area of Tehsil Sunni, Distt. Shimla, Himachal Pradesh, under the provisions of Mineral Concession Rules, 1960, for further grant of mining lease for setting up of a large Cement Plant.

Now, therefore, the Governor of Himachal Pradesh in exercise of the powers conferred upon him by first proviso to sub-section (2) of Section 11 of the Mines and Minerals (Development & Regulation) Act, 1957 is pleased to invite applications from interested person(s) for the grant of prospecting licence on prescribed performa within a period of 30 days from the date of publication of Notification in the Rajpatra, Himachal Pradesh. Applications should reach the Director of Industries, Himachal Pradesh, Udyog Bhawan, Shimla-171001. It is also notified that all applications received during the period specified above and applications which had been received prior to the date of publication of this Notification in respect of the land, within this area, which had not been disposed off, shall be deemed to have been received on the same day for the purposes of assigning priority under sub-section (2) of Section 11 of the Act *ibid*. The applications so received shall be disposed off keeping in view the parameters like:

Investment which the applicant Company proposes to make in mines and in the cement plant to be established, including capability and preparedness, and other relevant parameters as specified in Sub-Section (3) of Section 11 of Mines and Minerals (Development & Regulation) Act, 1957 concerning mining & project as a whole, taking environmental concepts into consideration.

The applicant company so selected shall undertake survey/investigation works to prove the limestone, shale and quartzite deposits at their own cost. The applicant company so selected shall also submit survey/investigation reports periodically as provided under Rule-16 (1) of Mineral Concession Rules, 1960.

The applicant Company so selected shall be required to meet the condition of employment of Himachalis as prescribed in the Industrial Policy Guidelines-2004 or any other guidelines in this regard as amended from time to time and also such Policy guidelines of the State Government for setting up of cement plant issued from time to time.

By order,  
Sd/-  
*Principal Secretary.*

*Shimla-171002, 25<sup>th</sup> March, 2008*

**No. Ind.A(A)4-2/2003.**— In supersession of all previous notifications issued by this department regarding constitution of Board of Directors of H.P. State Handicrafts & Handloom Corporation Ltd., the Governor, Himachal Pradesh, in exercise of powers conferred vide Section 67 of Memorandum and Articles of Association of Himachal Pradesh State Handicrafts and Handloom Corporation Ltd., is pleased to re-constitute the Board of Directors of H.P. State Handicrafts & Handloom Corporation. Ltd. with immediate effect, as under:-

- |    |  |                     |
|----|--|---------------------|
| 1. | Prof. Prem Kumar Dhumal,<br>Hon'ble Chief Minister.                          | ... <i>Chairman</i> |
| 2. | Sh. S.C. Negi, Principal Secretary (Inds.)                                   | ... <i>Director</i> |
| 3. | Sh. Arvind Mehta, Secretary (Finance)  | ... <i>Director</i> |
| 4. | Sh. Anil Khachi, Director (Inds.)  | ... <i>Director</i> |
| 5. | Sh. Praveen Thapliyal, MD, H.P. State<br>Handicrafts & Handloom Corp'n. Ltd. | ... <i>Director</i> |

*Shimla-171002, 25<sup>th</sup> March, 2008*

**No. Ind.A(A)4-1/2000.**— In supersession of all previous notifications issued by this department regarding constitution of Board of Directors of Nahan Foundry Ltd., the Governor, Himachal Pradesh, in exercise of powers conferred vide Section -67 of Memorandum and Articles

of Association of Nahan Foundry Ltd., is pleased to re-constitute the Board of Directors of Nahan Foundry Ltd. with immediate effect, as under:-

- |    |   |                     |
|----|---|---------------------|
| 1. | Prof. Prem Kumar Dhumal,<br>Hon'ble Chief Minister.       | ... <i>Chairman</i> |
| 2. | Sh. S.C. Negi, Principal Secretary (Inds.)                | ... <i>Director</i> |
| 3. | Sh. Arvind Mehta, Secretary (Finance)                     | ... <i>Director</i> |
| 4. | Sh. Anil Khachi, Managing Director,<br>Nahan Foundry Ltd. | ... <i>Director</i> |

By order,  
S.C. NEGI,  
*Principal Secretary.*

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*Shimla-2, the 4th March, 2008*

**No.Ind-II(C) 3-8/2006.**— The Governor, Himachal Pradesh is pleased to constitute a Project Monitor Committee for the proper implementation and monitoring of Catalytic Development Programme in H.P during the XI Five Year Plan as follows:-

- |    |   |                        |
|----|---|------------------------|
| 1. | Director of Industries, H.P :                     | <i>Chairman</i>        |
| 2. | Representative of Director, CSTRI, Bangalore :    | <i>Member</i>          |
| 3. | Joint Secretary (Tech.) RO, CSB, New Delhi :      | <i>Member</i>          |
| 4. | Deputy Director of Industries (Seri.), Palampur : | <i>Member</i>          |
| 5. | Joint Director of Industries, H.P Shimla-1 :      | <i>Member Convener</i> |

By order,  
Sd/-  
*Principal Secretary.*

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## HIGHER EDUCATION DEPARTMENT

### NOTIFICATION

*The 20<sup>th</sup> March, 2008*

**EDN-A-Kha (1)-7/2006.**— The Governor, Himachal Pradesh is pleased to withdraw this Department's notification of even number dated 9-8-2007 in the public interest.

By order,  
Sd/-  
*Secretary.*

**LABOUR & EMPLOYMENT DEPARTMENT****NOTIFICATION***Shimla-2, the 25th March, 2008*

**No: Sharm (A)7-1/2005 (SML).**— In exercise of powers vested in him under section 17(1) of the Industrial disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Officer, Labour Court, Shimla of the following cases on the website of Labour & Employment Department :-

Sr. No:& Case No 1	Title of the Case 2	Date of Award 3
1. 47/2006	Smt. Chandra V/S Executive Engineer, HPPWD, Division No-3, Shimla	18/12/2007
2. 164/2002	Sh. Shyam Lal V/S Divisional Manager, Shimla Division, HRTC, Shimla	5/12/2007
3. 104/2007	General Secretary, Nahan Foundary Mazdoor Panchayat Nahan V/S S.E. HPPWD & IPH Workshop Nahan and another	5/12/2007
4. 69/2001	Sh. Dalip Singh V/S Executive Engineer, I&PH, Division, Nahan.	11/12/2007
5. 236/2003	Sh. Kashmiri Lal V/S M/S Dharm Pal Satya Pal Industrial Area, Barotiwala, Distt. Solan, H.P.	12/12/2007
6. 65/2007	Sh. Nikka Ram V/S Executive Engineer, HPPWD Division, Kumarsain, Distt. Shimla.	14/12/2007
7. 188/2001	Smt. Brahmi Devi and others V/S H.P. State Handloom and Handicraft Corporation, SDA Complex, Kasumpti, Shimla-9,	6/12/2007
8. 39/2005	Himachal Privahan Takniki Employees Union Tara Devi V/S M.D. HRTC Shimla and others	5/12/2007
9. 13/2007	Sh. Anoop Prashar and others V/S MD M/S PA Pinion & M/S PA Time Industries Unit No. 1 & II Dharampur, Distt. Solan H.P.	29/12/2007
10. 83/2007	Shri Maya Ram V/S Executive Engineer, I&PH Division Reckong Peo, Distt. Kinnaur, H.P.	7/1/2008
11. 128/2007	Sh. Dila Ram V/S Divisional Forest Officer, Kunihar, Forest Division, Kunihar District Solan, H.P.	8/1/2008
12. 283/2002	Sh. Rakesh Kumar V/S M/S Jayco India Ltd., Baddi, Distt. Solan.	10/1/2008
13. 281/2002	Sh. Dharmesh Kumar V/S M/S Jayco India Ltd., Baddi, Distt. Solan.	10/1/2008
14. 282/2002	Sh. Rajesh Garg V/S M/S Jayco India Ltd., Baddi, Distt. Solan.	10/1/2008
15. 290/2002	Sh. Rajeev Kumar V/S M/S Jayco India Ltd., Village Kodha, P.O. Baddi, Distt. Solan.	10/1/2008

16. 167/2001	Sh. Jagdish Chand V/S The Secretary, HP State Electricity Board & others	11/1/2008
17. 42/2005	Sh. Dhani Ram V/S Sub- Divisional Soil Conservation Officer, Rajgarh, Distt. Sirmaur, H.P. & Ors.	8/1/2008
18. 130/2004	Sh. Jeet Ram V/S The Secretary HPSEB Vidyut Bhawan, Shimla-4 & others.	11/1/2008
19. 238/2001	Sh Ram Singh V/S Secretary HPSEB and other	17/12/2007
20. 75/2002	Sh. Kirpa Ram V/S The Executive Engineer, HPSEB Division Rajgarh and others.	15/1/2008
21. 191/2003	Sh. Bansi Ram V/S The Secretary, HPSEB, Kumar House, Shimla-4 & another	15/1/2008
22. 321/2002	Shri Anil Kumar V/S The Executive Officer, Municipal Council, Nahan, Distt. Sirmaur. H.P.	11/1/2008
23. 146/2006	Sh. Donald Westely V/S M/S Vikram Services EWS Block No-5 Parwanoo, Distt. Solan HP	4/1/2008
24. 145/2006	Shri Ramesh Singh V/S M/S Surya Pharmaceuticals Ltd, Baddi, Distt. Solan.	8/1/2008

By order,  
Sd/-  
Secretary.

Ref.47/2006

Smt.Chandra.

V/s

Executive Engineer, HPPWD Division No.3.Shimla.

18.12.2007

*Present :* Shri Rajeev Sharma, Advocate for the petitioner.  
Shri T.C.Kainthla, Ld.DDA for respondent.

The learned counsel for the petitioner has prayed one more date for Pws which can not be allowed as many opportunities for producing the evidence of the petitioner has already been given. Issues were framed on 23.4.2007 and thereafter, the case was listed for petitioner evidence on 9.7.2007, 30.10.2007 and also for 18.12.2007. The petitioner has failed to appear or produce her evidence to prove her claim. The onus to prove that she was terminated illegally by the respondent without complying with the provisions of Industrial Disputes Act, 1947. As the petitioner failed to prove issue No.1 hence, she is not entitled for any relief. Accordingly the present reference is dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
Presiding Judge,  
Labour Court, Shimla.

**In the Court of L.N Sharma, Presiding Judge, Hp Industrial Tribunal –cum- Labour Court Shimla.**

Ref No-164 of 2002

Instituted On:- 29.5.2002

Decided On:- 5.12.2007.

Shyam Lal S/o Shri Durga Dass, R/o Village & P.O Laddia, Tehsil Ghumarvin, Distt. Bilaspur, HP. At present residing at Block No-6, Quarter No-6, Lal Pani Shimla, H.P.

*...Petitioner*

*Versus*

Divisional Manager, Shimla Division, HRTC, Shimla, HP.

*...Respondent*

Reference under section 10 of the Industrial Disputes Act, 1947

For petitioner:- Shri K.S Pathania, Advocate.

For respondent:- Shri Vivek Negi, Advocate.

**AWARD**

1. The following reference has been received for the adjudication by this Court from the appropriate government:-

Whether the termination of the services of Shri Shyam Lal S/o Shri Durga Dass by the Dy. Divisional Manager HRTC Divisional workshop, Tara Devi through order dated 27.4.2001 w.e.f. 26.4.2001 without any compensation and without following the section 25-F of the Industrial Disputes Act, 1947 is legal and justified? If not, what relief including seniority, service benefits and compensation the above workman is entitled to?

2. The petitioner has filed the claim alleging that he was engaged as Chowkidar during 1991 and was posted at Tara Devi. The petitioner was also sent to Mandi Division where he worked in the office of Divisional Manager. The petitioner was again engaged by the respondent in Shimla in the year 1993 where he worked till 1998. In Feb.1998 the applicant was engaged as helper electrician at Dhali for 89 days by the Divisional Manager. The period of his engagement was extended from time to time as per letter dated 3.5.2000 and 13.7.2000. The petitioner was allowed to continue as electrician helper vide letter dated 6.1.2000 till further orders. The petitioner has continuously worked under respondent from 1991 till 27.4.2001. The services of the petitioner has been illegally terminated without any notice or compensation as required under section 25-F of the Industrial Disputes Act, 1947. The junior persons are still working with the department. He has worked more than 240 days in each calendar year and his services were illegally terminated without complying with the mandatory provisions of section 25-F of the Industrial Disputes Act, and he prayed for the relief.

3. The respondent has filed the detailed reply where in they have only admitted that the petitioner was engaged but denied that he was transferred to Mandi. They have also admitted that

the petitioner was again engaged in the year 1998-99 for 89 days and with the expiry of the period, the petitioner was automatically dis-engaged. They have admitted that the petitioner was engaged as helper electrician on 8.12.1999. The petitioner has not completed 240 days in any calendar year as he was only engaged for 89 days from time to time and there is no question of flouting any provision of Industrial Disputes Act, 1947. The removal orders were passed on 27.4.2001 which were not received by applicant intentionally. The respondent has prayed for the dismissal of the claim.

4. The petitioner has filed the rejoinder wherein he controverted the stand taken by the respondent and reaffirms the contents of the petition and prayed for the relief.

5. On the basis of the pleadings of the parties the following issues were framed by this Court on 25.11.2005.

1. Whether the services of the petitioner has been wrongly terminated by respondent in violation of section 25-F of the ID Act, 1947? OPP.
2. If issue No-1 is proved in affirmative to what relief the petitioner is entitled to? OPP.
3. Whether the petition in the present form is not maintainable? OPR.

Relief.

6. Both the parties have lead their evidence in order to prove their case. I have heard the learned counsel for the parties and also gone through the record, my findings on the aforesaid issue are as under:

#### FINDINGS

Issue No: 1	:	Yes
Issue No.2	:	Entitled for reinstatement
Issue No.3	:	No
Relief	:	Reference allowed as per Operative part of award.

#### REASON FOR FINDINGS

##### *ISSUE NO. 1&2:*

7. Both these issues being interlinked and interconnected are taken up together for discussion and decision. To prove the case, petitioner stepped into the witness box and supported the entire contents of the petition. The petitioner has stated that he was engaged as Chowkidar in 1991 and transferred to Mandi in December 1991. Again he was shifted to Dhali in 1993 where he remained posted till 1998. He was shifted to Tara Devi in 1998 where he remained till 1999 as electrician helper. His services were terminated by the respondent without any notice in April 2001. No notice or compensation has been paid to him. After his removal 5-6 persons were engaged. He has completed 240 days in each calendar year and he prayed for the relief. In cross-examination, he



has admitted that initially he was engaged for 89 days as per letter Ex. RA. He was re-engaged after giving 1-2 days breaks in working. He was engaged permanently in 1999 as per letter Ex. PA. He has denied that he was not transferred but stated that he was transferred to various places from time to time. The witness has denied that he had not completed 240 days in any calendar year. He has also denied that no juniors were engaged after his removal from I.T.I. The juniors are S/Shri Gopal Krishan, Arun Kumar, Susheel Kumar. No training for electrician helper is required.

8. The respondent has also examined one Shri Chint Ram, Senior Assistant who has stated that the petitioner was appointed on part time basis for 89 days. He was re-engaged as per sanction received from competent authority vide letter Ex. RA. He was also re-engaged as work shop helper (electrician) at Tara Devi as per letter Ex. RB. His appointment was for 89 days. His services were terminated on 26.4.2007 as per letter Ex. RC. The services of the petitioner were terminated as the work for which he was engaged was completed. He do not know whether any junior persons has been engaged by the department or not. The petitioner was not transferred during his tenure. In cross-examination, the witness has stated that he do not know whether the petitioner was sent to Mandi from Tara Devi. The witness has admitted that the petitioner was engaged at Dhali from 1993 to 1998 but denied that he worked continuously from 1993 to 1998. He has denied that on 27.4.2001 the services of the petitioner has been terminated and his dues were not paid. He has denied that the junior persons to the petitioner were allowed to continue at Tara Devi/ Dhali whereas the service of the petitioner has been terminated. The witness has denied that two electrician were engaged after 2003. He cannot state anything about the certificate mark X.

9. On the basis of the entire oral as well as documentary evidence, it has been admitted that the petitioner was engaged by the respondent but they are denying that the petitioner was engaged in 1991 and transferred to Mandi. The respondent also denying that the petitioner continuously worked at Dhali from 1993 to 1998. The only plea of the respondent is that the petitioner worked only for 89 days and after giving fractional breaks he was re-engaged. The petitioner has proved his engagement since 1991 as per letter Ex. RA placed on the Court file. The petitioner has proved that his services were re-engaged from time to time as per letter Ex. RB, which proves that he was engaged on 8.12.1999 for 89 days again he was assigned various duties as per office order dated 17.12.1999. The petitioner was again re-engaged from 1.5.2000 to 28.7.2000. The petitioner was allowed to work continuously vide letter Ex. PA as electrician helper till further orders. It has been stated by RW Shri Chint Ram that the services of the petitioner has been terminated on 26.4.2001. There is nothing on record whether any notice or compensation has been paid to the petitioner. The petitioner has proved on record that he was engaged by the respondent in 1991 where he worked continuously till 1998 and he was again re-engaged on 8.12.1999 where he worked till 26.4.2001. The only plea of the respondent is that the petitioner was appointed only for 89 days all the time and if this admission of the respondent is taken into consideration, than the total working days of the petitioner comes more than 240 days in a calendar year. It is the mandatory provision of law that a worker who has completed 240 days in calendar year cannot be removed from service without giving one month notice in writing indicating the reason for retrenchment and the period of notice has expired, or the workmen has been paid in lieu of such notice, wages for the period of the notice. The respondent has failed to comply with the mandatory provisions of section 25-F of the Industrial Disputes Act, 1947. The entire controversy has been settled as per law laid down by our **Hon'ble High Court reported in 2007 LLR page 1155 titled as Manoj Kumar Sharma V/s H.R.T.C & Anr.** Relevant para 18 is reproduced:-

“ In the present case also the petitioner was initially appointed for 89 days and after giving him fictional break, reappointed for another 89 days followed by one year appointment. This fact has been adopted by the management of respondent corporation to defeat the provisions of section 25-F of the Industrial Disputes Act,

1947. The letter dated 29.3.2001 issued by the managing Director of the corporation respondent amounts to unfair labour practice.

10. The respondent corporation has admitted that no notice or compensation has been paid to the petitioner. The respondent corporation also failed to produce any documents proving that the petitioner has not completed 240 days during his service with respondent and in such situation an adverse inference is required to be withdrawn against them. It has been proved on record and even admitted by respondent that the petitioner was engaged in December 1999 and he continuously worked till 26.4.2001 when his services were terminated vide order dated 27.4.2001 Ex. RC. The petitioner has proved that he worked for more than 240 days continuously with the fractional breaks given by respondent corporation and he had completed more than 240 days service hence, the petitioner is entitled to claim the protection of section 25-F of the Industrial Disputes Act, 1947. The termination of the petitioner is held illegal and both these issues are decided in favour of the petitioner and against the respondent.

*Issue No. 3:*

11. The onus to prove, issue was on the respondent but the respondent has failed to produce any evidence proving that how the present petition is not maintainable. Accordingly the issue No-3 is decided against the respondent.

In view of my findings on the aforesaid issues, the present reference is allowed and the petitioner is ordered to be reinstated without seniority and back wages. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open court today on this 5th Day of December 2007.

L.N. SHARMA,  
*Presiding Judge,*  
*Labour Court, Shimla.*

Ref.104/2007

General Secretary, Nahan Foundary Mazdoor Panchayat Nahan

V/s

Superintendent Engineer, HPPWD Workshop Nahan Foundary Nahan and Another.

5.12.2007

*Present :* None for the applicant.  
Shri T.C.Kainthala Ld.DDA for respondent.

Case called thrice. But none has appeared on behalf of the petitioner. Accordingly the present reference is dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum-Labour Court, Shimla**

Ref No:- 69 of 2001

Instituted On:- 30.4.2001

Decided On:- 11.12.2007

Dalip Singh S/o Shri Todar Mul, R/o Village Matak, P.O. Majra, Distt. Sirmaur, HP.

*Petitioner...*

*Versus*

The Executive Engineer, I&PH Division Nahan, Distt. Sirmaur, H.P.

*...Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner:- Shri A.K Gupta, Advocate.

For respondent:- Shri Parkesh Thakur, Ld. ADA.

**AWARD**

1. The following reference has been received for the adjudication by this Court from the appropriate government:-

“Whether Shri Dalip Singh S/o Shri Todar Mal, workman retrenched by the Executive Engineer, I&PH Division Nahan, Distt. Sirmaur without complying section 25-F of the I.D Act, 1947 is legal and justified? If not, to what seniority, service benefits and relief Shri Dalip Singh S/o Shri Todar Mal workman is entitled to?”

2. The claim has been filed by the petitioner alleging that he was employed in 1974 by the respondent where he worked till 1984. His services were terminated without any notice and compensation. The petitioner has completed 240 days service in each calendar year. The petitioner has also alleged the violation of section 25-H of the Industrial Disputes Act, 1947 alleging that junior persons were engaged by the respondent. He prayed for the relief.

3. The respondent has filed the detailed reply denying all the contents of the petition and alleged that the petitioner has not worked under Nahan Division and they prayed for the dismissal of the petition.

4. The petitioner thereafter moved an application for impleading the Executive Engineer Poanta Sahib. Thereafter, the respondents have filed the detailed reply taking preliminary objection that the petition is not maintainable and is barred by limitation. On merit, they have alleged that the petitioner never worked from 1974 but as per record the petitioner only worked in 1976 and abandoned the job in 1981 as per copies of muster-roll annexure R-1 to R-28 placed on the Court file. The petitioner left the job in November 1981 and thereafter he never reported for duties. They have denied the contents of the petition and alleged that as the petitioner himself has left the job

hence, there is no question for claiming any notice or compensation as required under section 25-F of the Industrial Disputes Act, 1947. They prayed for the dismissal of the petition.

5. On the basis of the pleadings of the parties, the following issues were framed by this Court on 16.12.2003 and again on 2.3.2006.

1. Whether the retrenchment of the petitioner by respondent in violative of section 25-F of the I.D Act, 1947? OPP.
2. Whether the petitioner was not on the rolls of the respondent during 1974 to 1984 in any capacity and if so, its effect? OPR.
3. Whether the petition is barred by limitation? OPR.
4. Whether the petition in the present form is not maintainable? OPR.

Relief.

6. In order to prove the case, both the parties lead their evidence. I have heard the learned counsels for the parties and also gone through the record. My findings on the aforesaid issues are as under:-

Issue No-1 :	No
Issue No-2 :	No
Issue No-3 :	Yes
Issue No-4 :	No
Relief :	Reference is dismissed as per operative part of the award

#### REASON FOR FINDINGS

##### *ISSUE NO. 1 & 3:*

7. Both these issues being interlinked and interconnected are taken up together for discussion and decision. To prove the case, petitioner stepped into the witness box and supported the entire contents of the petition. He has stated that he was engaged as Black Smith in the year 1976 and he worked till 1983. He was also given one certificate which is Ex. P-1. He has completed 240 days in each calendar year. He was retrenched without any notice or compensation. Junior persons to him namely Dinesh Kumar etc. were retained who are now regularized. Other persons who were retrenched after him have now been reengaged in service as per Court order. In cross-examination, he has admitted that he had not submitted any application for his reengagement. He has admitted that the reference has been made in 2001. After the amendment of the petition /reply, additional issues were framed vide order dated 2.3.2006 and the petitioner has been re examined. In crossexamination, he has denied that he was coming to the work according to his convenience and was not regular. He has admitted that his presence was marked on the Muster-roll. He has shown his ignorance whether he worked for 24 days in 1976, 133 days in 1978, 242½ days in 1979, 211 days in 1980 and 95 days in 1981. He has denied that he never came back for the work

but stated that he was removed from service. He has not given anything in writing to the department except the present reference. After 1981 he is working locally. He had sent letters of the respondent which are Ex. R-1 and Ex. R-2 in 2004 when he came to know that other persons who were working with him have been regularized.

8. The respondent has also examined one Shri S.S Diwedi, Assistant Engineer, I&PH Sub-Division, Nahan who has filed the copy of muster-rolls Ex. R-3 to Ex. R-30. The witness has stated that the petitioner was initially engaged in 1976 and he left the job in 1981 at his own. The petitioner has never completed 240 days except in 1979. No letter or representation from petitioner has been received except letter Ex. R-1 and Ex. R-2 which he has given for the first time in 2004. The service of the petitioner was not retrenched by the department hence, he is not entitled for any relief. In cross-examination, the witness has stated that no notice was given to the petitioner when he left the job. They are having no record that the petitioner left the job at his own, except the muster-rolls which reflect that the petitioner has abandoned the job. He has admitted that certain persons were engaged when the petitioner left the job but they were accommodated on compassionate ground. The petitioners who were engaged in 1992 -1993 shall be regularized as per policy of the government.

9. From perusal of the entire oral as well documentary evidence, it has been proved and even admitted by the respondent that the petitioner has been initially engaged in 1976 and he worked only for 24 days as per muster-roll Ex. R-29 & Ex. 30. The petitioner only worked for more than 240 days in 1979 and according to the respondent, he left the job at his own in 1981. The petitioner has very specifically stated that he was removed from service by the respondent without giving him any notice or compensation as required under section 25-F of the Industrial Disputes Act, 1947. The plea of the respondent on the other hand is that the petitioner abandoned his job himself and he is not entitled for any relief. The only argument of the Ld. ADA for the respondent is that the petitioner himself has abandoned the job hence, he is not entitled for any notice or compensation. The Ld. ADA also argued that the petitioner had never applied for his reengagement since 1981. The reference in the Court has been received after over 20 years. The petitioner has failed to give any explanation/reason for such delay. The petitioner is not entitled for any relief as he has lost his lien to the service. He placed reliance of (2001)1 Supreme Court Cases Page 424 titled as Indian Iron & Steel Co. Ltd. V/s Prahlad Singh. Relevant Para 10& 12 is reproduced:-

10 “In our view on the facts of the case in hand the aforementioned two decisions were of no avail to support the case of the respondent. The learned single Judge also found fault with the Tribunal as to the finding that the claim of the respondent was too stale to grant any relief when parties had not raised such a plea. When the Tribunal on proper and objective appreciation of the material on record found that the claim was made by the respondent after 13 years, it was open to it to refuse relief to the respondent. Moreover, the Tribunal did not refuse relief merely on the ground of delay and laches as is evident from para 24 of the order extracted above, inasmuch as the Tribunal has recorded that even without considering the question of delay the respondent had lost his lien on his appointment.”

11. “Whether relief can be declined on the ground of delay and laches, depends on the facts and circumstances of each case. In this case the claim was made almost after a period of 13 years without any reasonable or justifying ground and there was nothing on record to explain this delay as held by the Tribunal. When the respondent did not make claim for 13 years without any justification and on merits also he had no case, the Tribunal did not rightly grant him any relief. Even otherwise the findings of facts recorded by the Tribunal in the light of the Standing Orders aforementioned cannot be said to be untenable or perverse.”

Accordingly issue No-1 & 3 is replied against the petitioner.

*Issue No- 2 & 4*

10. The onus to prove, above issues were on the respondent but the respondent has failed to prove how the petition is not maintainable. The respondent also agitated that the petitioner was not on the rolls of the department from 1974 to 1984 in any capacity but the respondent themselves have stated under para 1 of the reply that the petitioner was working under them from 1976 to 1981 hence all the issues are replied against the respondent.

In view of my findings on the aforesaid issues, the present reference is dismissed. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open court today on this 11th Day of December 2007.

L.N SHARMA,  
*Presiding Judge,*  
*Labour Court, Shimla.*

Ref.236/2003

Shri Kashmiri Lal

V/s

M/S Dharm Pal Satya Pal, Industrial Area, Baddi, District Solan, H.P.

12.12.2007

*Present :* Shri Baldev Verma, AR with petitioner  
Shri Rahul Mahajan, Advocate alongwith Shri D.N.Sharma, Unit Head for respondent.

Conciliation tried. The petitioner has stated that he has settled the entire dispute with the respondent in full and final payment of Rs.42,000/- which payment has been received by the petitioner today in the court through payees Cheque No.077190 dated 12.12.07 payable at State Bank of India (Parwanoo) . The statement of the petitioner has been recorded which is placed on the court file.

In view of the settlement, the present reference become infructuous and is accordingly dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

Ref.65/ 2007

Shri Nikka Ram

V/s

Executive Engineer, HPPWD Kumarsain Distt. Shimla, H.P.

14.12.2007

*Present :* None for petitioner  
Shri T.C.Kaintha, Ld.DDA for the respondent.

Case called thrice. None has appeared on behalf of the petitioner, hence, the present reference is dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

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**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum –Labour Court, Shimla**

Ref No:- 188 of 2001

Instituted On:- 5.10.2001

Decided On:- 6.12.2007

Smt. Brahmi Devi w/o Shri Karta Dass presently working as worker in Chamba Textile Factory, Rangmahal, Chamba, H.P. and 16 Ors. *...Petitioner*

*Versus*

HP State Handloom & Handicrafts Corporation, ADA Complex Kasumpti, Shimla-9 through its Managing Director. *...Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947

For petitioner:- Shri Preetam Singh Chandel, Advocate.

For respondent:- Ms. Bhawana Sharma, Advocate.

**AWARD**

1. The following reference has been received for the adjudication by this Court from the appropriate government:-

“Whether the action of the Managing Director, HP State Handloom & Handicrafts Corporation, ADA Complex Kasumpti, Shimla-9, not to regularize the services of Smt. Brahmi Devi, worker w.e.f. April 1984 is fair and justified? If not, what relief of service benefits, including compensation and seniority, the above worker is entitled to?”

2. The petitioner has filed the claim alleging that she is working since 1974 with the respondent corporation. She has completed 240 days in each calendar year without any break and she is entitled for regularization after the completion of 10 years services. She made several representations to the respondent corporation but her case was not considered. She prayed for her regularization including Rs. 50,000/- as damages.

3. The claim has been strongly contested by the respondent corporation. The respondent corporation has admitted that the petitioner was appointed by the corporation but they have denied the remaining contents of the petition. They have alleged that the instruction of the State Government for regularization of the petitioner does not apply in the case of the petitioner. The petitioner is working in the corporation under the minimum wages act, 1948 and the instruction of the Government for the regularization of the workers after completing 10 years of service are not applicable in her case. Further, the corporation is running financial losses and they have already started to reduce their staff strength. Any other financial burden by regularizing the service of the applicant will endanger the very existence of the corporation. They have denied the remaining contents of the petition and prayed for the dismissal of the claim.

4. On the basis of the pleadings of the parties the following issues were framed by this Court on 7.3.2005.

1. Whether the action of the respondent not to regularize the services of the petitioner w.e.f. April 1984 is fair & justified? OPR.
2. If issue No-1 is not proved to what relief of service benefits including compensation and seniority the petitioner is entitled to? OPP.

Relief.

5. Both the parties have lead their evidence in order to prove their case. I have heard the learned counsel for the parties and also gone through the record, my findings on the aforesaid issue are as under.

#### FINDINGS

Issue No: 1 :	Yes
Issue No.2 :	Not entitled for any relief
Relief :	Reference dismissed

#### REASON FOR FINDINGS

*ISSUE NO. 1&2:*



7. Both these issues being interlinked and interconnected are taken up together for discussion and decision. To prove the case, petitioner supported the entire contents of the petition. In cross-examination, she has stated that about 17 persons are working in Taxtile Factory and remaining are working in foot-ware industry. She has admitted that Leather Shoes which were being manufactured by them were supplied to Class-IV employees of the State Government. She do not know that vide notification dated 6.9.2007 Ex. R-1, the supply has been stopped by the Government. She has denied that the workers have been retrenched by the respondent corporation. She had not brought any document proving that she was working for 240 days in a calendar year but stated that all the workers have completed 240 days in each calendar year. She has admitted that the factory is coming in the category of sick factories. She has admitted that Smt. Sheela Devi is working in the Taxtile factory for the last 15 years and she is getting Rs. 2100/- PM as salary. The workers in both the factories are 21 in number. The respondent corporation is not providing them any work. She has denied that corporation is having no money.

8. The respondent corporation has also examined one Shri Dev Vrat Sr. Assistant who has brought the concerned record. According to this witness there are 21 daily workers in Chamba Taxtile/ factory. Earlier there were 50 workers and they were supplying the livery article to class IV employees. If there is increase in work, we employee more persons and when there is a decrease in work we reduce the number of workers. Foot Wear factory is laying closed as there is no demand. The livery articles were earlier supplied to the government but same has been stopped as per office memorandum Ex. RA. Earlier the petitioner approached the Court for claiming the minimum wages which they are getting without work. The financial condition of the corporation is very bad and even the regular employees have not been paid their wages since April 2005. As there is no work available and the petitioners are not doing any work, as the factory is lying closed. The respondent corporation is having no work and the petitioner cannot be regularized. In cross-examination, the witness has stated that he brought the record and all the workers are having more than 12 years of service. The corporation engaged the persons on per piece rate. The petitioner only comes when there is work and during remaining days they work at their house. He has denied that the petitioners are working regularly for last over 12 years and they are entitled for regularization. He has stated that as there is no work with the respondent corporation and the corporation is going to be closed due to financial problem hence, the petitioner cannot be regularized.

9. In view of oral as well documentary evidence it has been proved that the petitioner was engaged by the respondent corporation when there was work available and the corporation was supplying the livery articles to class-IV employees of the government, which supply has been stopped by the state government as per officer memorandum Ex. RA. The petitioners want to claim the benefits on the basis of government policy with a person who have completed 10 years regular service is to be regularized but these instructions are only applicable to the person who have completed 240 days in each calendar year which fact has not been proved by the petitioner on record. No doubt, the petitioners are working with the department for the last over 10 years but they are working on the piece rate basis. Further, if the statement of RW\_1 is to be taken into consideration, the factory has already been closed and there is no work available with the corporation hence, in such situation the petitioner cannot be regularized. However, as per statement of RW-1 the corporation is not going to remove any of the petitioner and they are getting minimum wages in accordance with law without work. It is the mandatory provision of law that the petitioner who is claiming the protection of section 25-F of the ID Act, 1947 has to prove that he/she already completed 240 days in each calendar year which documentary evidence is missing in the case in hand. Accordingly, there is no merit in the present reference however the petitioners are entitled to

work in the same capacity and their services cannot be retrenched without following the process of law as there is no work available with the corporation and the supply has already been stopped by the state government. Further, the petitioners are engaged as and when the work is available with the corporation as per statement of RW-1, and in such situation they are not entitled for any regularization. Accordingly issue No-1 is replied in favour of the corporation and issue No-2 is replied against the petitioner.

10. That as per order dated 6.8.2005, all the 16 reference petition No-184/2001, 206 / 2001, 201/2001, 176/2001, 187/2001, 190/2001, 194/2001, 193/2001, 197/2001, 199/2001, 200/2001, 204/2001, 205/2001, 209/2001, 226/2001, 195/2001 are ordered to be consolidate with **reference No- 188/2006 titled as Brahmi Devi V/s M.D HP State Handicraft and handloom Corporation, Shimla-9**. Let one copy of the award be placed on the connected files.

In view of the above findings there is no merit in the present reference and the same is accordingly dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open court today on this 6th Day of December 2007.

L.N SHARMA,  
*Presiding Judge,*  
*Labour Court, Shimla.*

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Himachal Parivahan Takniki employees Union, Tara Devi

V/s

Managing Director, HRTC Shimla and Others

5.12.2007

*Present :* Shri O.P Chauhan, Advocate for petitioner.  
Shri Rajeev Verma, Advocate for respondent.

Shri Rajesh Verma, advocate for the respondent has stated that HRTC has already decided to appoint the petitioner as Junior technicians in the pay scale of Rs. 3120- 5160 instead of work shop helpers in the pay scale of Rs. 2720-4160/- from the date of their initial appointment.

In view of the decision conveyed vide letter dated 23.11.2007, the present reference becomes infructuous and is accordingly dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
Presiding Judge,  
*Labour Court, Shimla.*

Anoop Prasher and Others

V/s

M.D M/s PA pinions and M/s PA Time

Industries Unit No-1 & II, Kasauli Road Dharampur, Solan

29.12.2007

*Present :* Shri J.C Bhardwaj, AR for the petitioners.  
Shri Rahul Mahajan, Advocate alongwith Shri Manjot Purewal (Partner PATimes Industries) for respondent.

Conciliation tried. Shri Manjot Singh Purewal, (Partner PA Times Industries) who is present has stated that the management is prepared to enter into a fresh settlement with the workers of three different units within three months from today i.e. by 31st March 2008. The management has offered to pay Rs. 200/- to each worker who are on the rolls of the company as an advance w.e.f. 1.1.2008 and the management will pay the difference of the amount raised in the settlement to the workers from 1.1.2008. The management will enter into the settlement separately on behalf of all the three companies after the negotiation with the authorized representatives of the workers (each company). The list of the workers representative shall be supplied by Shri J.C Bhardwaj, AR for the petitioners within seven days from today to Shri Puneet Tuknait (Senior Manager). The company will start the negotiation with the authorized representative of the workers for new settlement. The earlier settlement which was entered with the workers are already placed on the Court file as Ex. R/A-1 to Ex. R/A-3 was valid till 31.8.2006 but it was mentioned under clause 10 of the settlement that the company will enter into a fresh settlement if approached by the workers and the settlement allowances will be fixed afresh and will be paid on the basis of the fresh settlement.

In view of the above discussion the present reference becomes infructuous and is accordingly dismissed. It is made clear that the management and workers representatives must finalize the new settlement on or before 31.3.2008. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

d/-  
*Presiding Judge,*  
*Labour Court ,Shimla.*

Ref.83/2007

Shri Maya Ram

V/s

Executive Engineer I& P.H. Division

Reckong Peo, District Kinnaur, H.P.

7.1.2008

*Present :* None for the petitioner.  
Shri Ashwani Dhiman Ld. DDA for respondent.

The petitioner is absent despite his service as per Regd.AD received back after service. Called thrice none on behalf of petitioner appeared hence, the reference is dismissed. Let the copy of this order be sent to the appropriate Govt. for publication. File after completion be consigned to record room.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

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Ref.128/2007

Shri Dila Ram

V/s

Divisional Forest Officer, Kunihar, District Solan, H.P.

8.1.2008

*Present :* Shri Dila Ram, applicant in person.  
Shri T.C. Kainthla, Ld.DDA for respondent.

Shri Dila Ram petitioner has stated that the entire dispute has already been settled and he do not want to press the present reference. The statement of the petitioner recorded and placed on the court file. In view of the above, the reference is accordingly dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

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Ref.283/2002

Shri Rakesh Kumar

V/s

M/S Jayco India Ltd .Vill .Katha  
P.O.Baddi District Solan,H.P.

10.1.2008

*Present :* Sh. J.C.Bhardwaj, AR for the petitioner.  
Sh. Rajiv Sharma, Advocate with Sh. Rupesh Gupta Executive for the respondent.

Conciliation tried. The petitioner has stated that he has settled the entire dispute with the respondent company in full and final payment of Rs 65,000/-. The amount shall be paid through Cheque within ten days from today. Out of the above amount Rs.62,000/- shall be paid to the petitioner and remaining Rs.3000/- to Sh.J.C. Bhardwaj, AR as litigation charges. Statement of the petitioner recorded which is accepted by Sh. Rupesh Gupta Executive of the respondent company.

In view of above settlement, the preset reference is decided as compromised. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

Sd/-  
Presiding Judge,  
Labour Court, Shimla.

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Ref.281/2002

Shri Dharmesh Kumar

V/s

M/S Jayco India Ltd .Vill .Katha  
P.O.Baddi District Solan,H.P.

10.1.2008

*Present :* Sh.J.C.Bhardwaj, AR for the petitioner.  
Sh. Rajiv Sharma, Advocate with Sh. Rupesh Gupta ,Executive for the respondent.

Conciliation tried. The petitioner has stated that he has settled the entire dispute with the respondent company in full and final payment of Rs 65,000/-. The amount shall be paid through Cheque within ten days from today. Out of the above amount Rs.62,000/- shall be paid to the petitioner and remaining Rs.3000/- to Sh .J.C. Bhardwaj, AR as litigation charges. Statement of the petitioner recorded which is accepted by Sh. Rupesh Gupta Executive of the respondent company.

In view of above settlement, the preset reference is decided as compromised. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

Sd/-  
Presiding Judge,  
Labour Court, Shimla.

Ref.282/2002

Shri Rajesh Garg

V/s

M/S Jayco India Ltd .Vill .Katha  
P.O. Baddi District Solan,H.P.

10.1.2008

*Present :* Sh.J.C.Bhardwaj,AR for the petitioner.  
Sh.Rajiv Sharma,Advocate with Sh.Rupesh Gupta ,Executive for the respondent.

Conciliation tried. The petitioner has stated that he has settled the entire dispute with the respondent company in full and final payment of Rs 65,000/-. The amount shall be paid through Cheque within ten days from today. Out of the above amount Rs.62,000/- shall be paid to the petitioner and remaining Rs.3000/- to Sh .J.C. Bhardwaj,AR as litigation charges. Statement of the petitioner recorded which is accepted by Sh. Rupesh Gupta Executive of the respondent company.

In view of above settlement, the preset reference is decided as compromised. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

Ref.290/2002

Shri Rajev Kumar

V/s

M/S Jayco India Ltd .Vill .Katha  
P.O.Baddi District Solan,H.P.

10.1.2008

*Present :* Sh.J.C. Bhardwaj, AR for the petitioner.  
Sh.Rajiv Sharma, Advocate with Sh.Rupesh Gupta ,Executive for the respondent.

Conciliation tried. The petitioner has stated that he has settled the entire dispute with the respondent company in full and final payment of Rs 65,000/-. The amount shall be paid through Cheque within ten days from today. Out of the above amount Rs.62,000/- shall be paid to the petitioner and remaining Rs.3000/- to Sh .J.C. Bhardwaj,AR as litigation charges. Statement of the petitioner recorded which is accepted by Sh. Rupesh Gupta Executive of the respondent company. In view of above settlement, the preset reference is decided as compromised. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

Sd/-  
*Presiding Judge,*  
*Labour Court, Shimla.*

**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum- Labour Court  
Shimla**

Ref No: 167 of 2001

Instituted On: 30.8.2001

Decided On: 11.1.2008

Shri Jagdish Chand S/ Shri Rewti Nand R/o Village Gara, P.O Nerwa, Tehsil Chopal,  
Distt. Shimla, HP. ...Petitioner

*Versus*

1. The Secretary, HP State Elec. Board, Vidyut Bhawan, Shimla-4.
2. The Executive Engineer, HPSEB, Division Theog, Distt. Shimla, HP.
3. The Executive Engineer, HPSEB Division Chopal, Tehsil Chopal, Distt. Shimla, HP.
4. Sub-Divisional Officer, S/Divn. Nerwa Tehsil Chopal, Distt. Shimla, HP.  
Respondents.

Reference under section to of the Industrial Disputes Act, 1947.

For petitioner: Shri M.S Kanwar, Advocate.

For respondents: Shri Bhagwan Chand, Advocate

1. The following reference has been received for the adjudication by this Court from the appropriate government:-

“Whether the plea of the Executive Engineer, electricity Division, HPSEB Division, Chopal, Distt. Shimla that Sh. Jagdish Chand S/o Shri Rewati Nand workman had left the job of his own accord after 25.1.1986 is legal and justified? If not, to what seniority, service benefit and relief shri jagdish Chand S/o Shri Rewati Nand workman is entitled to?”

2. The petitioner has filed the claim alleging that he was engaged as Beldar in August 1981 where he worked till 1990. The services of the petitioner has been illegally terminated without any notice or compensation as required under section 25-F of the Industrial Disputes Act, 1947. The removal of the petitioner is also against the rule 14 of the Industrial Establishment (Standing Orders Act, 1946). The action of the respondent is highly illegal and against the well settled principle of law. The petitioner is entitled for his reinstatement as per section 25-B and 25-F of the Industrial disputes Act, 1947. The respondents have retained the junior which is against the provisions of law. The petitioner prayed for his reinstatement.

3. The respondents have filed the detailed reply alleging that the petitioner was engaged on 26.12.1981 and he worked till 25.1.1986 with certain breaks and he left the job at his own. The respondents have denied that the petitioner was terminated. The petitioner was very casual in his duties and he generally remained absent. The provisions of section 25-F of the Industrial Disputes

Act, 1947 are not applied in the present case. The petitioner has completed 240 days only in 1982 and thereafter, he has not completed the required period. The petitioner is not entitled to claim any benefits under rule 14 of the standing orders and section 25-B and F of the Industrial disputes Act, 1947. The respondents have admitted that new persons were engaged when the petitioner left the job only to complete the project work. The respondents have also admitted that juniors who have continuously worked for 10 years have been regularized by the Board under the policy of the Government. They have denied the remaining contents of the petition and prayed for the dismissal.

4. On the basis of the pleadings of the parties, the following issues were framed by this court on 20.4.2005.

1. Whether the plea of the respondent that the petitioner had left the job at his own after 25-1-1986 is legal and justified? OPR.
2. If issue No-1 is not proved, to what relief of service benefits and seniority the petitioner is entitled to? OPP.
3. Relief.
4. Both the parties have lead their evidence in order to prove their case. I have heard the learned counsels for the parties and also gone through the record, my findings on the aforesaid points are as under:

#### FINDINGS

Issue No- 1 :	No
Issue No-2 :	Entitled for reinstatement.
Relief :	Reference partly allowed as per operative part of the award.

#### REASON FOR FINDINGS

*Issue NO. 1, & 2:*

7. Both these issues being interlinked and interconnected are taken up together for discussion and decision. The only plea of the petitioner is that he was engaged as beldar in August 1981 where he worked till 1990. he has completed 240 days in each calendar year but his services were terminated without any notice or compensation. The respondents have examined 2 witnesses. RW-1 is Madan Lal Dhiman, Assistant Engineer Electrical SubDivision Nerwa who has stated that the petitioner has worked from 26.12.1981 to 25.2.1981 and he left the job at his own. The petitioner was not regular in his work and he abandoned the job hence, no notice is required to be given. The petitioner has not completed 240 days.

The petitioner has raised the dispute after 13-14 years. In cross-examination, the witness has denied that the petitioner was engaged in August 1981. The witness has also denied that the petitioner was removed from service in March 1986. The persons who were working with the petitioner are still working. He has denied that no notice before the removal of the petitioner was



given but stated that as the petitioner has left the job at his own. The notice is required to be given a person who has completed 240 days but as the petitioner abandoned the job at his own and failed to report back for duties hence, no notice is required to be given. He has denied that other persons were engaged when the petitioner left the job. Other persons like S/Shri Bhadur Singh, Amar Chand left their job and they never came back. They are not engaging the persons after 1995. He has denied that despite representations by the petitioner, no intimation was given to him.

8. RW-2 is Shri Bhinder Singh, Clerk who has brought the muster roll which are Ex. RX-1 to Ex. RX-35. the petitioner worked for 309 days in 1982, 256 days in 1983, 171 days in 1984, 73 days in 1985 and 31 days in 1986. the petitioner has not been removed from service but he abandoned the job. In cross-examination, the detail of persons who were working is given in the muster roll. He is not aware that the persons who were working as per muster roll were regularized. He cannot state whether any notice or compensation has been given to the petitioner by the department or not. The workers were engaged on electricity line. The witness has stated that at present only casual type of work is available. The work carried out through contractor. He has denied that the service of the petitioner has been removed only to accommodate the Contractor.

9. The petitioner also stepped into witness box and stated that he was engaged in 1981 at Nerwa. Two certificate were issued to him by Assistant Executive Engineer which are Ex. PA and Ex. PB. He has completed 240 days in each calendar year.

About 20 persons were engaged on muster roll and all the persons have been regularized. In 1986 he received interview call on 7.4.1986. After 1986 he was working some time for 4 days and some time for 5 days, the work continued till 1990. He has not received any notice or compensation from the respondent Board and he prayed for the relief. In cross-examination, he has admitted that he was engaged w.e.f. 26.12.1981 to 25.1.1986 but denied that he was not regular in his duties. He was marked absent when remained absent. He has admitted that other persons who were regular in their duties have been regularized. The witness has denied that he left the job at his own and because of this reason no notice has been given to me.

10. From the perusal of the entire oral as well as documentary evidence, there is no dispute that the petitioner was not engaged as beldar on 26.12.1986 and he worked till 25.1.1986. It has also been proved on record that the petitioner has completed more than 240 days in 1982 and 1983 as per muster roll placed on the Court file. It is well settled that no person can be removed from service who has completed 240 days in calendar year without serving him a notice under section 25-F of the Industrial disputes Act, 1947 and also to pay compensation in lieu of the notice, which is missing in the case in hand. Further, in the reply, the respondents Board has admitted that new persons were engaged when the petitioner left the job as per para 2 of the reply. The respondents have failed to call the petitioner to attend his duties. No opportunity to the petitioner has been given by the respondent where by they have violated the provisions of the Industrial Disputes Act, 1947. The petitioner has proved that no notice has been given to him when his services were terminated. The respondent has also failed to give any compensation to the petitioner which is required to pay to him in lieu of notice. Further junior persons were engaged which fact has been admitted by the respondent. Accordingly, issue No-1 is replied against the respondent and issue No-2 in favour of the petitioner.

In view of my findings on the aforesaid issues, the present reference is allowed and the petitioner is held entitled for his reengagement without back-wages and seniority. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open court today on this 11th Day of January 2008.

L.N SHARMA  
*Presiding judge,*  
*H.P. Industrial Tribunal- cum-*  
*Labour Court Shimla*

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**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum- Labour  
Court Shimla**

Ref No: 42 of 2005

Instituted On: 22.7.2005

Decided On: 8.1.2008

Shri Dhani Ram, S/o Shri Devi Ram, R/o Village Samog, P.O Okhroo via Dhami Tehsil  
Arki, Distt. Solan. *...Petitioner.*

*Versus*

1. Sub-Divisional Soil Conservation Officer, Rajgrah District Sirmaur, HP.
2. The Divisional Engineer (Soil Conservation) Department of Agriculture Shimla-5.  
*...Respondents.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri O.P Chauhan, Advocate.

For respondent : Shri T.C Kainthla, Ld. DDA.

1. The following reference has been received for the adjudication by this Court from the appropriate government:-

“Whether the retrenchment of services of Shri Dhani Ram, S/o Shri Devi Ram workman by the Sub-Divisional Soil Conservation officer, Rajgrah, district Sirmaur, HP w.e.f. 31.7.2000 by paying retrenchment compensation alongwith notice is proper and justified? If not, what relief of service benefits the above aggrieved workman is entitled to?

2. The petitioner has filed the claim alleging that he was engaged on 16.3.1998 by the respondent where he worked till 31.12.1998. The petitioner was deputed to Arki w.e.f. 1.1.1999 where he worked till 15.4.1999. The petitioner thereafter deputed to Rajgrah under Sub-Divisional

Soil Conservation Officer where he worked from 16.4.1999 to 6.8.2000. The services of the petitioner have been illegally terminated and a notice which was served was issued by incompetent authority. The petitioner has worked for 240 days in each calendar year and his removal from service is illegal. Junior to the petitioner are still working in the department. He prayed for the relief.

3. The claim of the petitioner has been strongly contested by the respondents taking preliminary objection, that the case of the petitioner is not maintainable as the petitioner was engaged on daily wages under specific scheme. On merit, the respondents have denied the contents of the petition but alleged that he was engaged for the construction of 6 Nos Quarters in Nalagrah House w.e.f. 27.3.1998 to 31.12.1998. On the request of the petitioner he was again engaged from 1.1.1999 to 25.3.1999 at Arki. The petitioner was also engaged against NWDPR Bhajound w.e.f. 16.4.1999 to 8.8.2000. After the completion of the project the services of the petitioner were not required. One month notice under section 25-F of the Industrial Disputes Act, 1947 was served on 13.7.2000 which was received by the petitioner on 20.7.2000 and his services were terminated w.e.f. 31.7.2000. The petitioner however, worked till 8.8.2000 for which wages were paid through Bank Draft. They have denied the remaining contents and prayed for the dismissal of the claim.

4. The petitioner has filed the re-joinder wherein he controverted the stand taken by the respondent and reaffirms the contents of the petition.

5. On the basis of the pleadings of the parties, the following issues were framed by this Court on 9.3.2006.

1. Whether the retrenchment of the petitioner w.e.f 31.7.2000 by the respondent is legal?  
If so its effect? OPP.
2. If issue No-1 is proved in affirmative to what relief the petitioner is entitled to? OPP.
3. Whether the petition is not maintainable in the present form? OPR.
4. Relief.

7. Both the parties have lead their evidence in order to prove their case. I have heard the learned counsel for the parties and also gone through the record, my findings on the aforesaid issue are as under:

### FINDINGS

Issue No: 1 :	No
Issue No.2 :	Entitled for reinstatement
Issue No.3 :	No
Relief :	Reference allowed

### REASON FOR FINDINGS

8. Both these issues being interlinked and interconnected are taken up together for discussion and decision. There is no dispute about the engagement of the petitioner at Shimla and his subsequent transfer to Arki/Rajgrah. The petitioner has appeared as PW-1 and supported the entire contents of the petition. He has alleged that the notice has been given to him in the back date by forging the dispatch register. He has worked for more than 240 days during his stay in the department. The Notice is Ex. PA. He was transferred to Arki and from there to Rajgrah. No compensation has been paid to him alongwith notice. In cross-examination, he has stated that he was engaged by Divisional Engineer Shimla but denied that he was working against the project work which was of temporary in nature. He has denied that he was engaged at Project at Shimla and thereafter, Arki and transferred to Rajgrah. He do not know whether he was engaged against the project at Bhujong. Self stated that he was engaged in the office where he worked as dispatch clerk. He has denied that when the project was completed a notice was given to him. Self stated that he was told about the notice in August 2000 when he returned from Shimla after delivering the Dak. The official made the forgery in the dispatch register and notice Ex. PA issued to him in the back date. He has denied that no junior has been engaged after his removal. The witness has stated that one Chowkidar has been appointed at Dodra Kwar in 2000. The witness has stated that he do not know that Chowkidar was appointed by SDM Dodra Kwar to look-after the work of the respondents.

9. The respondents have also examined two RWs. RW-1 is Prakesh Chand Bhardwaj, ADSCO Rajgrah who has stated that the petitioner was engaged for the construction of Government Quarters at Shimla from 27.3.1998 to 31.12.1998 and thereafter, he was shifted to Arki and employed in Soil Conservation scheme as per Ex. RA and Ex. RB.

The petitioner was thereafter, shifted to Rajgrah where he worked from 16.4.1999 to 8.8.2000 as per mandays chart Ex. RC. The petitioner was removed from service when the work at Rajgrah was completed. The department has given notice Ex. PA at the time of the removal of the petitioner and the petitioner was paid wages for 39 days through Bank Draft which amount has been received by the petitioner. In cross-examination, the witness has stated that initially the petitioner was not engaged against any specific scheme. He has stated that he do not know whether the petitioner was engaged against sanctioned post of Directorate at Shimla. The witness has stated that the petitioner was engaged on the oral direction of the authority. There are no orders from competent authority for the removal of the petitioner. He has admitted that the petitioner was paid wages for 39 days amounting to Rs. 1989/- for the month of July & August. There is no record to show that any retrenchment notice was given to the petitioner as per section 25-F of the Industrial Disputes Act, 1947. He do not know that there were 19 workers when the petitioner was initially engaged in March 1998. He is also not knowing that the remaining persons have already been re-engaged or are still working. He is also not knowing whether the petitioner has been illegally removed from service but stated that as the petitioner was only engaged on the water shed scheme and he was removed after the completion of the scheme. He has having no documentary proof to show that the petitioner was only engaged for water scheme and he was removed after the completion of the scheme.

10. RW-2 is Shri Mohinder Singh Panwar, J.E who has brought the dispatch register for the year 2000-01 from Rajgrah. As per dispatch entry No. 601 to 605 dated 13.7.2005, the letters were dispatched to different officers and letters from 608 to 613 were dispatched to Dhani Ram petitioner. There is no tempering in the record as per register. In cross-examination, the witness has stated that the reply of the petition was prepared in the head office. Copy of dispatch register was not placed with the reply. He could not read what has been written against Sr. No. 608 to 610. He

do not know to whom the letters have been marked. He is also not knowing whether letter Ex. PA was received by the petitioner or not. He has admitted that when the letters are written to certain persons it is entered in the register. He has admitted that in letter Ex. PA there is no Endst. to the bill clerk and two JEs who are appearing against Sr. No. 611 to 613. The witness has further stated that the dispatch clerk can make the over writing in the dispatch register. He has admitted that there is some over writing at Sr. No. 608 to 613.

11. From the perusal of the entire oral as well as documentary evidence, it has been proved that the petitioner was initially engaged by respondent on 16.3.1998 on the construction of government Quarters at Shimla where the petitioner worked till 31.12.1998. It has also been admitted that the petitioner was transferred to Arki where he worked from 1.1.1999 to 15.4.1999. It has also been admitted that thereafter, the petitioner was transferred to Rajgrah where he worked till his removal from service i.e. 6.8.2000. The stand of the respondent on the other hand is that as the petitioner engaged against a specific scheme hence, his services were automatically come to an end with the completion of the work. He was working against the project work at Rajgrah and with the completion of the project his services were terminated. The respondents also alleged that necessary notice Ex. PA which was given to the petitioner in July 2000 along-with the pay for 39 days. RW-1 Shri Prakesh Chand Bhardwaj, ADSCO Rajgrah has admitted that initially the petitioner was not engaged under the scheme but subsequently, he has been transferred to Arki and Rajgrah against the scheme and his services were terminated with the completion of the scheme. It has also been proved on record that the department has tried to prove that retrenchment notice Ex. PA was issued to the petitioner on 23rd July 2000, but when the register was summoned and RW-2 Shri Mohinder Singh Panwar, J.E appeared in the witness box, this witness in cross-examination has admitted that there is overwriting against Sr. No. 611 to 613. It has also been admitted that there is no Endst. to the bill clerk and two JE on the letter Ex. PA whereas in the dispatch register, the Endst. is entered to the JEs and bill clerk. The bears reading of the notice clearly shows that no compensation in lieu of notice has been paid to the petitioner which is required under section 25-F of the Industrial Disputes Act, 1947. The respondents have also tried to prove that the amount of compensation was also paid to the petitioner along-with notice but nothing has been mentioned about the payment and one month wages in lieu of notice. The notice automatically become illegal when it is not issued in accordance with the provisions of section 25-F of the Industrial Disputes Act, 1947. **From the bear reading of section 25-F it has been specifically mentioned that a specific one month notice in writing indicating the reasons of retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice. The workman is also entitled for retrenchment compensation which shall be equivalent to 15 days average pay for every complete year of continuous service.** The compliance of mandatory requirement is missing in the case in hand. Further, the plea of the respondent is that the petitioner has been retrenched after the completion of the project but there is nothing on record how and by whom the petitioner has been shifted to the project work whereas he was initially not engaged against the project as has been stated by RW-1. The petitioner has proved that he has worked for more than 240 days during his stay in the department as per mandays chart Ex. RA and Ex. RC placed on the Court file. As the respondents have failed to prove the mandatory compliance of section 25-F hence, the removal of the petitioner is held illegal accordingly, issue No- 1 & 2 are replied in favour of the petitioner and against the respondents.

*Issue No.3:*

12. The onus to prove, issue No-3 was on the respondents but they have failed to produce any evidence showing how the present petition is not maintainable. Accordingly issue No-3 is decided against respondents.

In view of my findings on the aforesaid issues, the present reference is allowed and the petitioner is held entitled for his reinstatement with seniority and backwages @ of 50% from the date when the reference has been received in this Court i.e May 2005. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open court today on this 8th Day of January 2008.

L.N SHARMA,  
Presiding judge,  
H.P. Industrial Tribunal- cum-  
Labour Court Shimla.

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**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum- Labour Court Shimla**

Ref No:- 130 of 2004

Instituted On:- 1.11.2004

Decided On:- 11.1.2008

Shri Jeet Ram S/o Shri NokhRam R/o Village Tharoo, P.O Jalog, Tehsil Sunni, Distt. Shimla, HP.  
...Petitioner.

*Versus*

3. The Secretary, HP State Elecy. Board, Vidyut Bhawan, Shimla-4.

4. The Director Satluj jal vidyut Nigam Ltd. Himfed Building New Shimla.

...Respondents.

Reference under section to of the Industrial Disputes Act, 1947.

For petitioner: Shri M.S Kanwar, Advocate.

For respondent No.1: Ms. Sharmila Patiyal, Advocate

For respondent No.2: Shri S.D Sharma, Advocate

1. The following reference has been received for the adjudication by this Court from the appropriate government:-

“Whether the termination of services of Shri Jeet Ram S/o Shri Nokha Ram, Ex. daily wages beldar by 1. The Secretary, HPSEB, Kumar House, Shimla-171004. 2. The Director Satluj jal vidyut Nigam Ltd. Himfed Building New Shimla 171009 w.e.f. 29.11.1987 after completion of 240 days of service as alleged by the workman without complying with the provisions of Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits Shri Jeet Ram workman is entitled to?”

2. The claim has been filed by the petitioner wherein he has alleged that he was engaged as beldar w.e.f. 1.3.1987 to 31.3.1987 and again from 1.5.1987 to 28.11.1987. The petitioner has worked on different places as is evident from muster rolls. The petitioner has completed 240 days in a calendar year as per mandays chart. The service of the petitioner has been illegally terminated without any notice or compensation. The petitioner had worked for Nathpa Jakhri Hydro Electric Project for which he was engaged through respondent No-1 HPSEB and all the persons have been regularized. The services of the petitioner was not reengaged or regularized despite his repeated requests. The removal of the petitioner is in violation of section 25-G, 25-H and 25-N of the Industrial Dispute Act, 1947. The respondents have engaged junior persons namely Brij Lal, Ramesh Chand, Kuldeep, Beekhu Ram and Trilok Nath after the removal of the petitioner. The removal of the petitioner is illegal and he is entitled for his reengagement with back wages.

3. The respondent No-2 has strongly contested the claim taking preliminary objections that the petition is not maintainable in the present form as the respondent No-2 is not responsible for the employment of the petitioner. The petition is barred by limitation and is liable to be dismissed. There is no cause of action against the respondent No-2. On merit, they have admitted that the petitioner was engaged by the respondent and he worked in Nathpa Jakhri Hydro Electric Project which was being executed by respondent No-1. The agreement of employment, if any has nothing to do with him. It is for the respondent No-1 whether the petitioner is to be reengaged or not, only respondent No-1 has to clarify whether the service of the petitioner has been terminated without following the mandatory provisions of Industrial disputes Act, 1947 and the standing Orders of respondent No-1. No reply from respondent No-2 is required. When the Nathpa Jakhri Hydro Electric Project was executed by respondent No-1, respondent No-2 was not in existence during that period hence, only respondent No-1 is in position to consider the case of the petitioner for his regularization. Respondent No-2 has denied any violation of section 25-G, 25-N and 25-H of the Industrial disputes Act, 1947 and clause 14(2) of the standing orders of the Board. He has denied the remaining contents of the petition and prayed for the dismissal of the petition.

4. No reply on behalf of respondent No-1 has been filed despite many adjournments given. From the perusal of the Court file, it appears that the counsel for the respondent No-1 has stated that he has written many letters but no reply has been received.

5. The petitioner has filed the re-joinder wherein he controverted the stand taken by the respondent No-2 and reaffirms the contents of the petition.

6. On the basis of the pleadings of the parties, the following issues were framed by this Court on 15.5.2006.

1. Whether the services of the petitioner has been illegally terminated by the respondent w.e.f 29.11.1987? If so its effect? OPP.
2. If issue No-1 is proved in affirmative to what relief the petitioner is entitled to? OPP.
3. Whether the petition in the present form is not maintainable? OPR.
4. Relief.

7. Both the parties have lead their evidence in order to prove their case. I have heard the learned counsel for the parties and also gone through the record, my findings on the aforesaid issue are as under:

## FINDINGS

Issue No: 1 :	Yes
Issue No.2 :	Entitled for reinstatement
Issue No.3 :	No
Relief :	Reference allowed

## REASON FOR FINDINGS

*Issue No.1 &2:*

8. Both these issues being interlinked and interconnected are taken up together for discussion and decision. The only case of the petitioner is that he was engaged w.e.f. 1.3.1987 to 31.3.87 and again from 1.5.1987 to 28.11.1987. To prove the case, petitioner stepped into the witness box and supported the entire contents of the petition. He has stated that he was engaged as beldar in HPSEB where he worked as Mason/Fitter as per mandays chart Ex. PW-1/A and Ex. PW-1/B. He has completed 240 days during his service in the Board. He was working in Nathpa Jakhri Hydro Electric Project which was under respondent No-1. His services were orally terminated by respondent No-1 but he was told that he will be called as and when the work would be available. Junior persons were engaged but the petitioner was not reengaged. The Board engaged the juniors after the removal of the petitioner namely S/Shri Khem Chand, Kuldeep Kumar which is the violation of section 25-G, 25-H and 25-N of the ID Act. No notice or compensation has been paid to him at the time of his removal. The petitioner had written many applications for his reengagement which is Ex. PW-1/C to Ex. PW-1/Q but he was not reengaged. In cross-examination, he has stated that he do not know why his services have been terminated by respondent No-1. Junior have been engaged. The petitioner approached the respondent and all the time he was assured that he will be engaged as and when the work will be available. No appointment letter was issued to him. The witness has denied that he remained absent from his duties. He has also denied that his services were not terminated but he left the job at his own.

9. After the evidence of the petitioner the counsel for the respondent has stated that he does not want to produce any evidence. As no reply has been filed on behalf of the respondent No-1, his defense has already been closed. As no evidence has been produced by respondents to disprove the stand taken by the petitioner. The petitioner has proved that he has worked for more than 240 days as per mandays chart, Ex. PW-1/A and Ex. PW-1/B. The petitioner also proved that he applied to the respondent for his reengagement vide letter Ex. PW-1/C to Ex. PW-1/Q. Respondent No-1 has miserably failed to file the reply despite numerous opportunity granted. Respondent No-2 has not produce any evidence but he has denied any relation with the petitioner. His only stand is that the petitioner was only the employee of respondent No-1 and only respondent No-1 is liable for his reengagement. In view of above, as the petitioner has completed 240 days in calendar year his services cannot be terminated without serving him any notice under section 25-F of the ID Act, 1947 and the compensation is to be paid as per law which is missing in the case in hand. Accordingly, both these issues are decided in favour of the petitioner and against the respondent

*No-1. Issue No.3:*



10. The onus to prove, issue No-3 was on the respondent No-2 but no evidence has been produced to show how the present petition is not maintainable. Accordingly issue No-3 is decided against respondent No-2.

In view of my findings on the aforesaid issues, the present reference is allowed and the petitioner is held entitled for his reengagement without back-wages and seniority. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open court today on this 11th Day of January 2008.

L.N SHARMA,  
*Presiding judge,*  
*H.P. Industrial Tribunal- cum-*  
*Labour Court Shimla.*

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**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum- Labour Court Shimla**

Ref No:- 238 of 2001

Instituted On:- 5.11.2001

Decided On:- 17.12.2007.

1. Ram Singh S/o Shri Layak Ram, R/o Village Kasmali (Buela), P.O Saryanj, Tehsil Arki, District Solan, H.P.
2. Kripa Ram, S/o Shri Parsa Ram, R/o Village Chaned ( Buela), P.O. Saryanj, Tehsil Arki, District Solan, H.P.
3. Mast Ram, S/o Shri Dhani Ram, R/o Village Surajpur, P.O. Piplighat, Tehsil Arki, District Solan, H.P. *...Petitioners.*

*Versus*

1. The Secretary, HP State Electricity Board, Vidyut Bhawan Kumar House, Shimla-171004.
2. The Executive Engineer, HPSEB Division Arki, Tehsil Arki, Distt. Solan HP.
3. Sub Divisional Officer HPSEB, Sub-Division Arki, Tehsil Arki, District Solan, H.P.
4. Sub Divisional Officer, HPSEB Sub Division Bhumti, Tehsil Arki, District Solan, H.P.
5. Sub Divisional Officer, HPSEB Sub Division Darlaghat, Tehsil Arki, District Solan, H.P. *...Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioners : Shri Neel Kamal Sood, Advocate.

For respondents: Shri Bhagwan Chand, advocate.

### AWARD

1. The following reference has been received for adjudication by this Court from the appropriate government:-

“ Whether the statement of Executive Engineer, H.P State Electricity Board Division Arki, Distt. Solan, HP that S/shri Kripa Ram, S/o Shri Parsa Ram, Ram Singh S/o Shri Layak Ram, Mast Ram, S/o Shri Dhani Ram, have left the job at their own in 21.8.1987, 21.3.1988 and 21.4.1994 respectively is legal and justified? If not, what relief of service benefits including wages, seniority and compensation the above three workman are entitled to?”

2. The petitioners have filed the separate claims alleging that they were engaged by the respondent in the year 1980/81 in Sub-Division Arki where they worked till 1984, 1986, 1988 respectively. All the petitioners have completed 240 days in each calendar year during their service but their services were terminated without any notice or compensation. The petitioners were again reengaged on 1.9.1991 where they worked till 1.10.1991 but again their services were orally terminated. The petitioners have made several requests to the respondent department for their reengagement but they were not taken back. The removal of the petitioners from service is illegal as no notice or compensation has been paid to them. Many new persons were engaged ignoring the petitioners and they prayed for their reinstatement with back wages and seniority.

3. The respondents have also filed the separate reply taking preliminary objections that the petition is barred by limitation and there is no enforceable cause of action in favour of the petitioners. The petitioners are also estopped from filling the present petition due to their own act and conduct. No legal rights of the petitioners have been infringed by respondent. On merit, they have denied the contents of the petition and alleged that the petitioners were not engaged in the year 1980-81. Petitioner Ram Singh was engaged on 26.9.1983 and he worked till 20.3.1988. Petitioner mast Ram was engaged on 21.10.1988 and he worked till 20.8.1995. Similarly petitioner Kirpa Ram was engaged on 26.9.1983 and he worked till 20.8.1987. All the petitioners were engaged as casual workers for specific work and their services have been dispensed with on the completion of the work. None of the petitioners have completed 240 days in any calendar year hence, they are not entitled for the protection of section 25-F of the industrial Disputes Act, 1947. The respondents have denied the remaining contents of the petition and prayed for the dismissal of the same.

4. The petitioners have filed the rejoinder wherein they have controverted the stand taken by the respondents and reaffirms the contents of the petition.

5. On the basis of the pleadings of the parties the following issues were framed on 9.3.2005.

1. Whether the statement of Executive Engineer, HPSEB Division Arki Distt. Solan that S/Shri Kripa Ram, Ram Singh and Mast Ram have left the job at their own in 21.8.1987, 21.3.1988 and 21.4.1994 respectively is legal and justified? OPR.

2. If issue No-1 is not proved to what relief of service benefits including wages, seniority and compensation the petitioners are entitled to? OPR.
3. Whether the petition is time barred and not maintainable as alleged in preliminary objection No-1? OPR.
4. Whether the petition discloses no enforceable cause of action and the same is not maintainable as alleged in preliminary objection No-2? OPR.
5. whether the petitioner is estopped to file and maintain the present petition on account of his act, conduct as acquiescence as alleged in preliminary objection No-3. OPR.
6. Whether the petition is not maintainable as alleged in preliminary objection No-4&5? OPR.
7. Whether the petitioner was a casual labourer and was engaged for a specific work and after completion of work, his services automatically come to an end as alleged? OPR.

Relief.

6. Both the parties have lead their evidence in order to prove their case. I have heard the learned counsels for the parties and also gone through the record, my findings on the aforesaid issue are as under:

#### FINDINGS

Issue No: 1 :	No
Issue No.2 :	Reference partly allowed
Issue No-3 :	No
Issue No-4 :	No
Issue No-5 :	No
Issue No-6 :	No
Issue No-7 :	No
Relief :	Reference partly allowed as per Operative part of award

#### REASON FOR FINDINGS

*ISSUE NO. 1&2:*

7. Both these issues being interlinked and interconnected are taken up together for discussion and decision. In order to prove the case, the petitioners stepped into the witness box and

supported the contents of the petition. Petitioner Kripa Ram has stated that he was engaged as beldar in 1981 and worked till December 1988. He was again reengaged in September 1991 where he worked only for one month, thereafter his services were terminated. No notice or compensation has been paid to him. Juniors to him namely Paras Ram, Jai Ram, Nand Lal were retained who are still working. He has requested the authority for his reengagement but he was only assured that he will be engaged as and when the work is available. He prayed for the relief. In cross-examination, he has admitted that he worked w.e.f. 26.9.1983 to 20.3.1988 but denied that he was given the break during this period. He has denied that he was engaged for specific work and has not completed 240 days during his service. He has denied that no junior has been engaged after his retrenchment. He has denied that he was not reengaged and making a false statement.

9. PW-2 & 4 Ram Singh and Mast Ram also made similar statement supporting the contents of the petition. In cross-examination, they have denied that they have not completed 240 days during their service and they are not entitled for the relief.

10. PW-3 is Rajinder Singh, who has brought the summoned record and stated that Kripa Ram, Ram Singh were engaged w.e.f. 26.9.1983. Kripa Ram worked up to 20.8.1987 whereas Ram Singh worked up to 20.3.1988 as per copies of the muster-rolls Ex. PW-3/A consisting 43 pages produced in the Court. No notice or compensation has been given to the petitioners under the Industrial disputes Act, 1947 and standing orders of the Board. The record prior to December 1990 has already been destroyed as per order Ex. PW3/ B. In cross-examination, the witness has admitted that the petitioners were engaged as casual workers and they were orally told that they are being engaged for a specific period. They were also told that their services will be automatically come to an end with the completion of the work.

11. The respondents have also examined one Shri S.R Gautam, Assistant Engineer, HPSEB, Darlaghat who has produced the mandays chart Ex. R/A, Ex. R/B, Ex. R/C. According to this witness, the services of the petitioners were not terminated but they have abandoned the job themselves. . No notice has been given to the petitioners. No juniors to the petitioners have been engaged by the department. The petitioners are not entitled for any relief after 12 years. In cross-examination, he has denied that the petitioners were removed from service without notice. No notice has been given to them when they failed to report for duties. There are standing orders in the department which has not been complied with in this case. He has admitted that the petitioners have worked for 240 days during their stay in the department but stated that they have not completed 240 days in a calendar year. The provisional seniority list of the beldar of the division has been retained which is Ex. PX. The witness has admitted that junior to the petitioners are working with the department.

12. From the perusal of the entire oral as well as documentary evidence it has been admitted by the respondent that all the petitioners were working during different years with the department. In the written statement the respondents have stated that the petitioners were engaged for specific work and after completion of the work, the services of the petitioners were automatically came to an end but when RW-1 Shri S.R Gautam appeared in the Court he has very specifically stated that the petitioners have abandoned their job at their own. He has admitted that there are standing orders in the department but those standing orders were not complied with in this case. He has admitted that the petitioners have completed more than 240 days during their service but not completed the same in a calendar year. The respondents in the reply have stated that no junior to the petitioners have been engaged but from the perusal of the seniority list Ex. PX many junior persons have been engaged by the respondent department. Petitioner Ram Singh & Kripa Ram were engaged in September 1983 and they worked till 1987/88 whereas petitioner Mast Ram was engaged in 1988 and he worked till 1995. In the seniority list from Sr. No. 20,25 to 29, 34, 41

to 52 except 46 were engaged in 1986/1987 and persons at Sr. No. 56,57, 70, 71 to 75 are all junior to the petitioners. The respondents have ignored the mandatory provision of section 25-G & H of the Industrial Disputes Act, 1947 as the petitioners are not retrenched but new persons have been engaged as per detail given in the seniority list Ex. PX placed on the Court file. The respondents should have asked the petitioners to report for duties as per stand taken by the respondent and if the petitioners have failed to comply with the directions only then the new persons have to be engaged but this procedure has not been followed in the case in hand. Secondly petitioners Ram Singh and Mast Ram have been completed 240 days during their stay in the department and no notice or compensation have been given to them as required under section 25-F of the Industrial Disputes Act, 1947. The respondents have engaged new persons in the department ignoring the mandatory provisions of section 25-F, 25-G & H of the Industrial Disputes Act, 1947 hence, issue No-1 is decided against the respondents and issue No-2 is partly replied in favour of the petitioners.

*Issue No. 3, 4, 5, & 6:*

13. The onus to prove issue No-3 to 7 were on the respondents but they have failed to show how the present petition is not maintainable and the petitioners are estopped. There is also nothing on the record to prove that the petitioner were engaged for a specific work and there services were automatically came to an end with the completion of the work. From the perusal of the seniority list it be-comes clear that the respondents have engaged fresh persons and no opportunity has been given to the petitioners to report back for duties accordingly all the issues are replied against the respondents. In view of my findings on the aforesaid issues the present reference is partly allowed and the petitioners are ordered to be reinstated without seniority and backwages. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open Court today on this 17<sup>th</sup> Day of December 2007.

L.N SHARMA,  
*Presiding judge,*  
*H.P. Industrial Tribunal- cum-*  
*Labour Court Shimla.*

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**In the Court of L.N Sharma, Presiding Judge, H.P Industrial Tribunal-cum- Labour Court Shimla**

Ref No:- 75 of 2002

Instituted On:- 4.3.2002

Decided On:- 15.1.2008

Kripa Ram, S/o Shri Sadh Ram, R/o Village Dibber, P.O Deothi Majhgaon, Tehsil Rajgrah,  
District Sirmour, HP. *...Petitioner.*

*Versus*

1. The Executive Engineer, HP State Electricity Board Division Rajgrah at Rajgrah,  
Distt. Sirmour HP.

2. The Superintending Engineer, HP State Electricity Board Circle at Nahan, Distt. Sirmour, HP. ...Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner:- Shri R. K Khidta, Advocate.

For respondents :- Ms. Shilpa Sood, Advocate.

### AWARD

1. The following reference has been received for adjudication by this Court from the appropriate government:

“Whether the termination of the services of Shri Kripa Ram, S/o Shri Sadh Ram w.e.f. 15.6.1996 by the Executive Engineer, HPSEB Division Rajgrah, Distt. Sirmour HP without complying with the section 25-F and 25-N of the Industrial Disputes Act, 1947 is legal and justified? If not, what relief of service benefits and amount of compensation the above workman is entitled to?”

2. The claim has been filed by the petitioner wherein he has alleged that he was engaged as beldar w.e.f. July 1977 and worked till 15.6.1996 without any break. The petitioner has completed 240 days in each calendar year but his services were orally terminated by the respondents w.e.f. 15.6.1995 without complying with the mandatory provisions of section 25-F, 25-M and 25-N of the Industrial Disputes Act, 1947. The petitioner visited the office of the respondent many time and also given in writing for his reengagement. The petitioner was assured that he will be called back and he waited for about 4 years. The respondents have reengaged other persons and they have violated the section 25-F of the Industrial Act, 1947 by engaging the new persons. The termination of the petitioner is un-fair labour practice and is against the provisions of Industrial Disputes Act, 1947 and principal of natural justice. They have not issued any notice or paid compensation before terminating the services of the petitioner as required under section 25-F of the Industrial Disputes Act, 1947. He prayed for the relief.

3. The petition has been strongly contested by the respondent taking preliminary objections that the applicant is having no enforceable cause of action and no legal right of the petitioner has been infringed or violated. The petition is barred by limitation. On merit, they have denied that the petitioner was engaged in 1977 but alleged that he was engaged w.e.f. 16.9.1995 and he worked till 15.6.1996 with certain breaks as per mandays chart appended. They have denied the remaining contents of the petition and alleged that the petitioner himself abandoned the job. His services were not terminated. The petitioner has not completed 240 days of service and there is no breach of section 25-F, 25-G of the Industrial Disputes Act, 1947. They have denied the remaining contents of the petition and prayed for the dismissal of the petition.

4. The petitioner has filed the re-joinder wherein he has controverted the stand taken by the respondents and re-affirmed the contents of the petition and prayed for the relief.

5. On the basis of the pleadings of the parties, the following issues were framed by this Court on 24.2.2004.

1. Whether the termination of services of the petitioner by respondent No-1 w.e.f. 16.6.1996 is violative of sections 25-F/N of the ID Act, 1947 and the certified standing orders framed by HPSEB? OPP.
2. Whether the petition is not maintainable? OPR.
3. Whether the petition suffers from delay and laches & if so its effect? OPR.
4. Whether the petitioner has abandoned the job himself & if so its effect? OPR.

Relief .

6. In order to prove the case, both the parties have lead their evidence. I have heard the learned counsels for the parties and also gone through the record. My findings on the aforesaid issues are as under:-

Issue No-1 :	Yes
Issue No-2 :	No
Issue No-3 :	No
Issue No-4 :	No
Relief. :	Reference partly allowed.

### REASON FOR FINDINGS

#### *ISSUE NO.1:*

7. In order to prove the case, petitioner has examined 3 PWs including himself. The petitioner has tendered in evidence his affidavit Ex. PW-1/A. In crossexamination, he has denied that no application has been written by him to the Board and only the application has been created after the receipt of reference in the Court. He has denied that he was not terminated but he failed to report for duties despite requests. He has denied that he refused to report for duties at some other place and then he abandoned the job. He has denied that he is employed and had never approached the authority for his reengagement after 1996. He has not dis-close the name of the junior persons to the counsel. He has denied that after the completion of the work he was asked to report for duties at some other place but he had thereafter, never report for duties and refused to work there.

8. PW-2 is Shri Suresh Kumar, who has brought the summoned record, that is the copy of standing order which is Ex. PW-II/B and mandays chart of the petitioner is Ex. P-3. The witness has not been cross-examined by the counsel for the respondent.

9. PW-3 is Shri Mansa Ram who has stated that he was engaged on 8.6.1966 and was working as Line Man from 1989 to December 1991. Petitioner Kripa Ram is known to him and was working with him. He has continuously worked in the respondent Board and has completed 240 days during the above period. The witness has not been cross-examined by the counsel for the respondent.

10. The respondents have also examined one Shri D.K Sood, Assistant Engineer HPSEB Rajgrah who has stated that the petitioner was engaged from 16.9.1995 to 15.6.1996 with breaks. The petitioner left the job at his own without any intimation. His services were not terminated by the department. The petitioner never attends his duties regularly and never completed 240 days in a calendar year. The mandays chart is Ex. RW-1/B. The petitioner never approached the department for his reengagement. In cross-examination, the witness has stated that the petitioner never worked under him but admitted that the petitioner was only engaged on 19.8.1995 where he worked till 15.6.1996. The record produced by Shri Sursh is correct as per record from office. He has denied that the services of the petitioner has been terminated by the respondent department but admitted that no notice or compensation has been paid to him. As per record no letter has been issued to the petitioner regarding his absence. He has denied that show cause notice has been issued to the petitioner when he was absent from duty. He has admitted that as per standing orders before terminating the services of any workman, 10 days notice is required to be served but he do not know whether the petitioner approached the respondent department for his reengagement or not. He is also not knowing that the petitioner has submitted an application on 14.7.1999 for his reengagement which is mark A. He has not brought Ex. PW-1/B. The document is signed by Additional Suptd. Engineer. He is not knowing about the detail of Ex. PW-2/A. He has denied that the petitioner has completed 256 days of work and also denied that other persons who were engaged with the petitioner are still working. He has also denied that junior persons have been engaged who are still working. The witness has clarified that the persons who were engaged were appointed on the directions of the Court. The work is still available. He is not knowing that S/shri Narain singh, Om Prakesh, Hari Singh, Rama Nand, Deep Ram and Khazan singh etc. were engaged with the petitioner. He has denied that the service of the petitioner has been terminated orally by the respondent.

11. From the perusal of the entire oral as well as documentary evidence, there is no dispute about the engagement of the petitioner by the respondent department but only dispute with regard to the date of engagement. The petitioner has alleged that he was engaged on July 1977 whereas the respondents have alleged that the petitioner was engaged on 16.9.1995 and he worked till 15.6.1996 as per mandays chart Ex. RW-1/B. The petitioner tried to prove that he was working with the department and he also examined PW-3 Mansa Ram who was posted as line man. This witness has stated that the petitioner was working with him from 1989 to 1991 and he had worked for more than 240 days. He has also tendered one photocopy of mandays chart Ex. PW-2/A showing that he worked for 256 days. This document has not been denied by the respondents. The document Ex. PW-1/A was produced by the official witness and even if this document is taken into consideration, then it is proved that the petitioner has worked for more than 240 days. Further, in the claim the petitioner has alleged that junior persons have been engaged and even in the cross-examination of RW-1 the petitioner has named S/Shri Narain singh, Om Prakesh, Hari Singh, Rama Nand, Deep Ram and Khazan singh etc. who were engaged after his removal. The witness has clarified that only persons who were engaged after the petitioner have been taken back as per directions of the Court and no new persons have been engaged. This also proved that junior persons were engaged by respondent without affording any opportunity to the petitioner to join back his duties. It is well settled that the notice and compensation is required to be paid to the workman who has completed 240 days in a calendar year which is missing in the case in hand. Further, as per standing order clause 14 it has been specifically mentioned that a notice is required to be served to a workman who has been in the continuous service of HP State Electricity Board for not less than one year and his services cannot be retrenched until he is not given the notice or he has been paid in lieu of such notice, wages for the period of notice. Under clause 14 (2) it has been mentioned that if the services of the workman is less than one year his service can be terminated by giving him 10 days notice in writing and pay in lieu of such notice, even without assigning any reason. This compliance of standing orders of the Board is missing. The witness RW-2 Shri D.K Sood Assistant



Engineer has specifically stated that no notice has been given to the petitioner but his explanation for not giving the notice was that the petitioner has abandoned the job. It is now well settled and even if the petitioner has failed to report for duties, it was the requirement of the standing orders clause 14 (2) that 10 days notice in writing is required to be served on the workman before his services were terminated which is missing in the case in hand. Accordingly, the petitioner is held entitled for his reengagement and issue No-1 is accordingly replied in favour of the petitioner.

*Issue No. 2 to 4:*

12. The onus to prove all the issues were on the respondent but they have failed to prove that how the present petition is not maintainable or is barred by limitation. No doubt that the respondent has tried to prove that the petitioner has abandoned the job himself but no specific evidence to prove the abandonment has been produced by the respondent Board hence, all the issues are decided against the respondents. In view of my findings on the aforesaid issues, the present reference is partly allowed and the petitioner is held entitled for his reengagement without backwages and seniority. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open Court today on this 15th Day of January 2008.

L.N SHARMA,  
*Presiding judge,*  
*H.P. Industrial Tribunal- cum-*  
*Labour Court Shimla.*

**In the Court of L. N. Sharma, Presiding Judge, H.P Industrial Tribunal–cum- Labour  
Court, Shimla**

Ref No:- 191 of 2003

Instituted On:- 2.7.2003

Decided On:- 15.1.2008

Bansi Ram, S/o late Shri Mania, R/o Village Borar, P.O Koti-Bounch, Sub-Tehsil Rohnat,  
District Sirmour, H. P. *. . Petitioner.*

*Versus*

3. The Secretary, Himachal Pradesh State Electricity Board, Kumar House Shimla-4,  
H.P.

4. The Executive Engineer, HP State Electricity Board Division Rajgrah, Distt. Sirmour,  
H. P. *...Respondents*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner:- Shri R. K Khidta, Advocate.

For respondents :- Shri Bhagwan Chand, Advocate

## AWARD

1. The following reference has been received for adjudication by this Court from the appropriate government:

“Whether the termination of the services of Shri Bansi Ram, S/o late Shri Mania daily wages beldar by the Executive Engineer, HPSEB Division Rajgrah, Distt. Sirmour HP w.e.f 16.1.19989 without complying with the section 25-F and 25-N of the Industrial Disputes Act, 1947 is legal and justified? If not, what seniority service benefits and relief the concerned workman is entitled to?”

2. The claim has been filed by the petitioner alleging that he was engaged as beldar on 16.9.1986 and he worked till 15.1.1989 without any break. The petitioner has completed 240 days in each calendar year but his services were terminated by respondent No-2 on 16-1-1989. No notice or compensation has been paid to him. The respondents have terminated the services without complying with the mandatory provisions of Industrial Disputes Act, 1947 and also the standing orders of HP State Electricity Board. The petitioner requested the respondent No-2 for his reengagement and also given in writing but the petitioner was not reemployed. Due to the illegal termination, the parents and wife of the petitioner also died. The respondents have violated the provisions of section 25-f, 25-H and 25-N of the Industrial disputes Act, 1947. The petitioner prayed for the relief.

3. The claim has been strongly contested by the respondents taking preliminary objections that the petitioner is having no cause of action and no legal right of the applicant has been infringed or violated by the respondents. The petition is barred by limitation and the petitioner is estopped from filling the same due to his own act and conduct. On merit, the respondents have admitted that the petitioner was engaged on 16-4-1987 and not on 16-9-1986. The petitioner worked till 15-3-1989 as per mandays chart annexure R-A. The petitioner has not completed 240 days in a calendar year hence, no notice is required to be served. The services of the petitioner was never terminated but he himself abandoned the job for the reason best known to him. They have denied the remaining contents of the petitioner and prayed for the dismissal.

4. The petitioner has filed the re-joinder wherein he has controverted the stand taken by the respondents and re-affirmed the contents of the petition and prayed for the relief.

5. On the basis of the pleadings of the parties, the following issues were framed by this Court on 28.5.2003.

1. Whether the termination of services of the petitioner by respondent without complying the provisions of sections 25-F/N of the ID Act, 1947 and standing orders is legal and justified? OPP.
2. If issue No-1 is not proved in affirmative to what service benefits including seniority, the petitioner is entitled to? OPP.
3. Whether there is no enforceable cause of action and the petition is not maintainable, as alleged? OPR.
4. Whether there is delay and laches? OPR.

5. Whether the petitioner is estopped from filling the present application due to his own acts, deed and conduct? OPR.

Relief .

6. In order to prove the case, both the parties have lead their evidence. I have heard the learned counsels for the parties and also gone through the record. My findings on the aforesaid issues are as under:-

Issue No.1 :	No.
Issue No. 2 :	Reinstatement without seniority and back- wages.
Issue No. 3 :	No
Issue No. 4 :	No
Issue No. 5 :	No
Relief :	Reference partly allowed.

#### REASON FOR FINDINGS

*Issue No: 1&2:*

7. Both these issues being interlinked and interconnected are taken up together for discussion and decision. The petitioner has examined 5 PWs including himself. The petitioner tenders his affidavit in evidence which is Ex. PA. In crossexamination, he has admitted that he worked in the department but clarified that he worked from 1986 to 1989. He has denied that he worked for 69 days only and left the job at his own from 16-3-1989. The witness has denied that after his termination the department has not engaged new persons. He approached the department for his reengagement. The witness has denied that he remained absent. The witness has denied that no notice was required to serve as he abandoned the job himself.

8. PW-2 is Shri Sunder Singh who has also stated that his services were also terminated by the department against which he filed case. The experience certificates are Ex. PW-2/A and Ex. PW-2/B. He is known to petitioner and was also working with him since 1986 to 15-3-1989 continuously. The petitioner has completed 240 days work. In cross-examination, the witness has stated that similar experience certificates were also issued to the petitioner. He has denied that the petitioner left the job at his own.

9. PW-3 is shri Ram Gopal who has brought the summoned record. The witness has stated that the petitioner was engaged as beldar w.e.f. 1-12-1988 where he worked till 15-3-1989. The witness has not been cross examined by the counsel of respondent.

10. PW-4 is shri Ravinder Singh who has also produce the appointment letter of Karasu Ram. The witness has stated that new persons were engaged after 16-1-1989. No notice has been issued to the petitioner prior to his termination. As the petitioner left the job at his own without completing 240 days service in calendar year. The HP State Electricity Board is having its own standing orders and as per clause 14(2) of the standing orders, it is mandatory to issue 10 days notice to he petitioner even if the worker has not completed 240 days. No letter about the absence

of the petitioner has been issued. In cross-examination, he has stated that Karasu Ram was appointed as work charge w.e.f 1.1.1998 and he do not know that Karasu Ram was Senior or junior to the petitioner.

11. PW-5 is Shri Karasu Ram who has stated that he was appointed in Oct/Nov. 1989. He knows the petitioner. About 8-9 persons were appointed namely Dharam Singh, Khatri Ram, Kalyan Singh, Tila Ram etc. In cross-examination, the witness has denied that the petitioner approached him for making the statement in his favour. He has not checked the report of his date of appointment.

12. The respondents also examined 2 RWs. RW-1 is Shri B.D Sharma, Assistant Engineer, who has stated that the petitioner was engaged on 4-5-1987 and worked till 1989 only for 69 days as per mandays chart Ex. RW-1/A. The petitioner never approached the department for his reengagement. No junior to the petitioner was engaged. No notice has been given as the petitioner who left the job at his own. In cross-examination, the witness has denied that the petitioner was engaged on 16.9.1986 and he worked till 15-3-1989. He has brought the muster roll pertaining to the petitioner. The witness has denied that the mandays chart is wrongly prepared. He has admitted that no notice or compensation has been paid to the petitioner. He has denied that seniority list is prepared at Division level. No notice is required to be served to a person who has left the job at his own. The witness was deferred for seeking some clarifications and thereafter, he never appeared.

13. RW-2 is Shri Ravi Kumar, SDO Narag who has also stated that the petitioner was engaged from 16-4-1983 to 1989 as per mandays chart. The petitioner was not terminated but he left the job at his own. In cross examination, the witness has denied that the petitioner was engaged from 16.7-1983 and he continuously worked till 1989. He has admitted that he was not posted in the Division those days. He has been authorized by XEN to make the statement. He is not aware about the working of the petitioner but he is making the statement on the basis of the record. He do not know who is the SDO Panog. No notice has been given to the petitioner as he abandoned the job. He has denied that junior to the petitioner are still working and new persons were engaged as no such record is available with him in the Court. He has admitted that Karasu Ram was working in the Division who was senior to the petitioner. Certificate Ex. PX was issued by the XEN. This witness has stated that in case any worker is to be removed from service the notice is required be given. He is not knowing about the standing orders of the HPSEB.

14. From the perusal of the entire as well as documentary evidence it is admitted by the respondents that the petitioner was engaged by the department w.e.f. 16-4-1987 to 15-3-1989 but during 3 year, he only worked for 69 days as per mandays chart Ex. RW-1/A. The petitioner has proved that the respondents have engaged junior persons after his removal as stated by PW-4 Ravinder Singh. He has also admitted that Karasu Ram was appointed vide letter Ex. PW-1/A on daily wages after 16.1.1989. It has also been proved on record that no notice or compensation has been paid to the petitioner which is mandatorily required as per standing orders of HPSEB. It is well settled that the notice and compensation is required to be paid to the workman who has completed 240 days in a calendar year which is missing in the case in hand. Further, as per standing order clause 14 it has been specifically mentioned that a notice is required to be served to a workman who has been in the continuous service of HP State Electricity Board for not less than one year and his services cannot be retrenched until he is not given the notice or he has been paid in lieu of such notice, wages for the period of notice. Under clause 14 (2) it has been mentioned that if the services of the workman is less than one year his service can be terminated by giving him 10 days notice in writing and pay in lieu of such notice, even without assigning any reason. This compliance of standing orders of the Board is missing. The witness PW-4 Shri Ravinder Singh has specifically stated that no notice has been given to the petitioner but his explanation for not giving

the notice was that the petitioner has abandoned the job. It is now well settled and even if the petitioner has failed to report for duties, it was the requirement of the standing orders clause 14 (2) that 10 days notice in writing is required to be served on the workman before his services were terminated which is missing in the case in hand. Accordingly, the petitioner is held entitled for his reengagement and issue No-1 & 2 are replied in favour of the petitioner.

*Issue No- 3 to 5:*

15. The onus to prove all the issues were on the respondent but they have failed to prove that how the present petition is not maintainable and the petitioner estopped from filling the same. No doubt, the petitioner has raise the Industrial Disputes after about 12 years but as the provisions of limitation acts are not applicable to the proceedings under the ID Act, 1947. The delay in filling the reference cannot debar the petitioner for claiming the relief. Accordingly issue No- 3 to 5 are decided against the respondents.

In view of my findings on the aforesaid issues, the present reference is partly allowed and the petitioner is held entitled for his reengagement without backwages and seniority. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open Court today on this 15th Day of January 2008.

L.N SHARMA.  
*H.P Industrial Presiding Judge,  
Tribunal-cum- Labour Court, Shimla.*

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**In the Court of L.N. Sharma, Presiding Judge, H. P. Industrial Tribunal-cum-Labour Court, Shimla.**

Ref No:- 321 of 2002

Instituted On:- 28.10.02

Decided On:- 11.1.2008

Anil Kumar, S/o Shri Ram Bhaj, R/o Village Dhakha, P.O. Ghukandoo, Tehsil Shillai,  
Distt. Sirmaur, H. P. . . *Petitioner.*

*Versus*

The Executive Officer, Municipal Council, Nahan, Distt. Sirmaur, HP. . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner:- Shri O.P Sharma, Advocate.

For respondent :- Shri Anil Kumar Advocate.

**AWARD.**

1. The following reference has been received for adjudication from the appropriate government:-

“Whether the termination of services of Shri Anil Kumar, S/o Shri Ram Bhaj by the Executive Officer, Municipal Council Nahan w.e.f. 26.3.2002 without complying the provisions of Industrial Disputes Act, 1947 is legal and justified? If not, what relief of service benefits and amount of compensation to shri Anil Kumar is entitled to?”

2. The claim has been filed by the petitioner alleging that he was engaged as Chowkidar on 3-1-2000 where he worked till 26-3-2002. The services of the petitioner has been terminated without complying with the provisions of section 25- F of the Industrial Disputes Act, 1947. The petitioner has complete 240 days in each calendar year and he worked as Chowkidar. The work of the petitioner was not seasonal. The removal of the petitioner is illegal and in-violation of section 25-F of the Industrial Disputes Act, 1947 as no notice or compensation has been given to him and he prayed for the relief.

3. The claim of the petitioner has been strongly contested by the respondent taking preliminary objection that the Municipal Council has no source of income and there is no permanent work for the applicant in Municipal Council Nahan due to shortage of fund. The applicant has not completed 240 days continuous service in calendar year. On merit, they have alleged that the petitioner was employed on specific work on the availability of the fund and they have also given the detail of the days. The petitioner worked from Jan. 2000 to March 2002. According to the respondent as the petitioner has not completed 240 days, no notice under section 25-F of the Industrial Disputes Act, 1947 is required to be served. No junior to the petitioner has been engaged and there is no violation of section 25-G and 25-H of the Industrial Disputes Act, 1947. they have denied the remaining contents of the petition and prayed for the dismissal of the reference.

4. On the basis of the pleadings of the parties, the following issues were framed by this Court on 12-7-2004.

1. Whether the termination of services of the petitioner by respondent w.e.f. 26-3-2002 without complying with the provisions of Industrial Disputes Act, 1947 is proper and justified? . . .OPP.
2. If issue No-1 is not proved, to what relief of service benefits the petitioner is entitled to? . . .OPP.
3. Whether the claim is not maintainable in view of preliminary objection No-1 &2, . . .OPR.
4. Relief.

5. In order to prove the case both the parties have lead their evidence. I have heard the learned counsel for the parties and also gone through the record. My findings on the aforesaid issues are as under.

Issue No.1 : No

Issue No. 2 : Entitled for reinstatement

Issue No. 3 : No

Relief : Reference partly allowed as per operative part of award.

## REASONS FOR FINDINGS

*Issue No-1 & 2:*

6. Both these issues being interlinked and interconnected are taken up together for discussion and decision. In order to prove the case, petitioner stepped into the witness box and supported the entire contents of the claim. He has alleged that he was engaged as Chowkidar on 3.1.2000 where he worked continuously till 28.3.2002. No notice or compensation has been paid to him. The respondent has engaged some other persons after his removal. In cross-examination, the witness has alleged that he was forcibly sent on leave and when he reported for duties he was not permitted to resume back. Some other persons were working in his place.

7. The respondent has also examined one Shri R.R Sharma, Executive Officer who has stated that the petitioner was engaged under Central Sponsored Scheme "Swarn Jayanti Rojgar Yojana" and with the completion of the scheme on 30-12-2000, the services of the petitioner came to an end. The petitioner also remained absent in Jan/Feb. 2001. They have served notice on 13-8-2001 copy of which is Ex. DA and mandays chart is Ex. DB. No junior to the petitioner has been engaged except sweepers. In cross-examination, the witness has stated that the petitioner was engaged as beldar and not as Chowkidar. He does not know whether any money was paid along with the notice to the petitioner or not. They are engaging the contractor for the work.

8. From the perusal of the entire oral as well as documentary evidence, it has been proved on the record that the petitioner was engaged in Jan 2000 by the respondent where he worked till March 2002 as per mandays chart Ex. DA. The petitioner worked for more than 240 days in 2000 but in 2001 and 2002 he only worked for 177 and 52 days. The respondent has alleged that the petitioner was engaged against the Central sponsored Scheme and with the completion of the scheme his services came to an end. From the perusal of the muster roll placed on the court file, the petitioner is shown to have been engaged as Chowkidar for Municipal Council Office from 26-1-2000 to 25-12-2000 and after 26th Feb. 2001 to 25.3.2001 he is shown to have been working in the widening of road at Ram Kundi. In muster roll No- 456 from 2-4-2001 to 30-4-2001, the petitioner is shown to be working for forest section. In muster roll from 26th May 2001 to 25th July 2001, the petitioner is shown to have been working for the protection wall round Kali Mandir Nanan. In muster roll from 26th July 2001 to 28th Aug. 2001, the petitioner has been shown working for the construction of Garage at Shimla Road. In muster roll No-18, he was shown working for the construction of Room for Dawawa group. The respondent in the reply has very specifically mentioned under para 2 that no notice under section 25-F of the ID Act, has been served to the petitioner but when RW-1 Shri R.R Sharma, Executive Officer appeared in the witness box he has stated that notice Ex. DA was served to the petitioner. The stand of the respondent is entirely contrary as in the reply, the respondent has clearly mentioned that no notice under section 25-F has been served. It is not clear from where the respondent has procured the photocopy of notice under section 25-F of the Industrial Disputes Act. By producing the copy of notice, the respondent himself has created serious doubt in the entire case. The respondent has taken the stand that the petitioner was engaged only against Central Sponsored scheme and his services came to an end with the completion of the scheme but the respondent has failed to produce any evidence proving that the petitioner was engaged against a specific work hence, the plea of the respondent cannot be accepted. Even if the notice Ex. DA is to be taken into consideration, there is no reference whether any compensation as per section 25-F of the Industrial Disputes Act, 1947 has been paid to the

petitioner or not. Further, if this notice is to be taken into consideration, the respondent has failed to prove that the petitioner was engaged only against the Central Sponsored Scheme. The services of notice and payment of compensation as per section 25-F of the ID Act, 1947 has not been proved in accordance with law. The learned counsel for the petitioner has argued that no notice as required under section 25-F of the Industrial Disputes Act, 1947 has been served on the petitioner hence, his removal become illegal he placed reliance on **2006 LLR page 830 Gujrat High Court titled State of Gujrat V/s Aher Jaga Ramshi and 2006 LLR Page 632 Dehli High court titled as Management of M/s Brahmaputra Board V/s Ashok Kumar & Anr.** It has also been held by their lordship that non payment of retrenchment compensation and notice pay will rendered, the termination as illegal and the workman is entitled for his reengagement. In view of the above discussion, the petitioner has proved that he was engaged on 3.1.2000 by the respondent and he worked till 26.3.2002 and completed 240 days continuous service. This fact has been admitted by the respondent in para 1 of the reply. It is very strange that the respondent has denied in para 1 of the reply that the petitioner has not completed 240 days service whereas the detail of the days for which the petitioner was engaged is given and according to the detail, the petitioner has served for 354 days from Jan. 2000 to December 2000 i.e. more than 240 days. The respondent has miserably failed to prove that the petitioner was engaged against a specific work or he has been removed from service after serving proper notice under section 25-F of the Industrial Disputes Act, 1947 hence, the removal of the petitioner held to be illegal. Accordingly, issue No-1&2 are replied in favour of the petitioner and against the respondent.

*Issue No.3:*

9. The onus to prove issue No.3 was on the respondent but they have failed to prove how the claim of the petitioner is not maintainable. Accordingly, issue N0.3 is decided against the respondent.

In view of my findings on the aforesaid issues, the present reference is partly allowed and the petitioner is ordered to be reinstated without seniority and back wages. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced in the open Court today on this 11<sup>th</sup> Day of January 2008.

L.N SHARMA.  
Presiding Judge,  
H.P.Industrial,  
Tribunal-cum- Labour Court, Shimla.

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Ref.146/2006

Shri Donald Wesley

V/s

Proprietor, M/Svikram Service EWS Block No.5 Parwanoo.

4-1-2008

*Present :* Shri Chetan Sharma, vice counsel for the petitioner.  
Shri Rajeshwar Singh vice counsel for the respondent.



The learned counsel appearing for the petitioner has stated that he is having no instructions from the petitioner accordingly, the present reference is dismissed. Let a copy of this order be sent to the appropriate government for publication in the official gazette. File after completion be consigned to record room.

Announced.

Sd/-  
*Presiding Judge,  
Labour Court, Shimla*

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Ref.145/2006

Shri Ramesh Singh

V/s

M. D.M/S Surya Pharmacautical s Ltd.  
Baddi District Solan,H. P.

8.1.2008

Shri Ram Asray Parshad AR for the petitioner.  
Smt. Veena Sood, Advocate for respondent.

Reply be filed on 19-3-08. Last opportunity.

*Presiding Judge.*

At this stage Shri Baldev K. Behl Law Officer for respondent appeared. Conciliation tried. The parties are prepared to settle the entire dispute in full and final payment of Rs.12000/-. A Cheque of Rs.11997/- dated 7-11-2007 handed over to Shri Ram Asray Parshad AR for the petitioner. The statement of parties recorded separately.

In view of the settlement the present reference is dismissed. Let the copy of order be sent to the appropriate Government for publication .File after completion be consigned to record room.

Announced.

Sd/-  
*Presiding Judge.  
Labour Court, Shimla.*

ब अदालत श्री सुर्जन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)

श्री राकेश कुमार सुपुत्र श्री मिलखी राम, वासी मुण्डखर तुलसी, डा० मुण्डखर, तहसील भोरंज, जिला हमीरपुर(हि०प्र०) प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री राकेश कुमार सुपुत्र श्री मिलखी राम, वासी मुण्डखर तुलसी, डा० मुण्डखर, तहसील भोरंज, जिला हमीरपुर ने इस अदालत में शपथ-पत्र सहित दरखास्त गुजारी है कि उसके पिता श्री मिलखी राम सुपुत्र श्री छांगा राम की मृत्यु दिनांक 7-11-1992 को हो चुकी है परन्तु ग्राम पंचायत मुण्डखर के रिकार्ड में दर्ज न है, जिसे कि अब दर्ज किया जाए।

अतः इस राजपत्र इश्तहार द्वारा आम जनता को सूचित किया जाता है कि श्री मिलखी राम सुपुत्र श्री छांगा राम की मृत्यु दिनांक 7-11-1992 को ग्राम पंचायत मुण्डखर के रिकार्ड में दर्ज करने बारे किसी को कोई उजर/एतराज हो तो वह दिनांक 24-4-2008 को प्रातः 10.00 बजे हाजिर अदालत आकर अपना एतराज पेश कर सकता है। हाजिर न आने की सूरत में एकतरफा कार्रवाई अमल में जाकर आगामी कार्यवाही की जाएगी। उसके बाद का उजर जेर समायत न होगा।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुर्जन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री सुर्जन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)

श्री राकेश कुमार सुपुत्र श्री मिलखी राम, वासी मुण्डखर तुलसी, डा० मुण्डखर, तहसील भोरंज, जिला हमीरपुर (हि०प्र०) वादी।

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री राकेश कुमार सुपुत्र श्री मिलखी राम, वासी मुण्डखर तुलसी, डा० मुण्डखर, तहसील भोरंज, जिला हमीरपुर ने इस अदालत में शपथ-पत्र सहित दरखास्त गुजारी है कि उसकी माता श्रीमती शीतला देवी पत्नी श्री मिलखी राम की मृत्यु दिनांक 18-4-1999 को हो चुकी है परन्तु मृत्यु दिनांक ग्राम पंचायत मुण्डखर के रिकार्ड में दर्ज न हो सकी है, जिसे कि अब दर्ज किया जाए।

अतः इस राजपत्र इश्तहार द्वारा आम जनता को सूचित किया जाता है कि श्रीमती शीतला देवी की मृत्यु दिनांक 18-4-1999 को ग्राम पंचायत मुण्डखर के रिकार्ड में दर्ज करने बारे किसी को कोई

उजर/एतराज हो तो वह दिनांक 25-4-2008 को प्रातः 10.00 बजे असालतन/वकालतन हाजिर अदालत आकर अपना एतराज पेश कर सकता है। हाजिर न आने की सूरत में एकतरफा कार्रवाई अमल में जाकर आगामी कार्यवाही की जाएगी। उसके बाद का उजर जेर समायत न होगा।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुर्जन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री सुर्जन सिंह, कार्यकारी दण्डाधिकारी, तहसील भोरंज, जिला हमीरपुर (हि० प्र०)

श्रीमती कृष्णा देवी पत्नी श्री चींगा राम, निवासी मुण्डखर तुलसी, डा० मुण्डखर, तहसील भोरंज, जिला हमीरपुर (हि० प्र०) प्राप्ति।

बनाम

आम जनता

प्रत्यार्थीगण।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती कृष्णा देवी पत्नी श्री चींगा राम, वासी मुण्डखर, तहसील भोरंज ने इस अदालत में शपथ-पत्र सहित दरखास्त गुजारी है कि उसके पति श्री चींगा राम पुत्र श्री खिंदो राम की मृत्यु दिनांक 22-2-2007 को हो चुकी है परन्तु ग्राम पंचायत मुण्डखर के रिकार्ड में दर्ज न हो सकी है, अतः मृत्यु पंचायत रिकार्ड में दर्ज की जाए।

अतः इस राजपत्र इशतहार द्वारा आम जनता को सूचित किया जाता है कि श्री चींगा राम पुत्र श्री खिंदो राम की मृत्यु दिनांक 22-2-2007 को ग्राम पंचायत मुण्डखर के रिकार्ड में दर्ज करने बारे किसी को कोई आपत्ति हो तो वह दिनांक 25-4-2008 को प्रातः 10.00 बजे असालतन/वकालतन हाजिर अदालत आकर अपना एतराज पेश कर सकता है। हाजिर न आने की सूरत में एकतरफा कार्रवाई अमल में लाई जाएगी। उसके बाद का उजर जेर समायत न होगा।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

सुर्जन सिंह,  
कार्यकारी दण्डाधिकारी, तहसील भोरंज,  
जिला हमीरपुर, हिमाचल प्रदेश।

ब न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू, तहसील व जिला कुल्लू, हिमाचल प्रदेश

शेर सिंह

बनाम

आम जनता

श्री शेर सिंह पुत्र श्री मूशू राम, साकन डोहलू नाल, डाकघर डोभी, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसके लड़के तारा चन्द का जन्म दिनांक 3-3-1988 को हुआ है। आवेदनकर्ता अपने लड़के के जन्म का इन्द्राज रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपने लड़के के जन्म का इन्द्राज ग्राम पंचायत देवगढ़ में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी कुल्लू तथा सचिव ग्राम पंचायत देवगढ़ द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि तारा चन्द के जन्म का इन्द्राज उनके रिकार्ड में नहीं हुआ है।

अतः सर्वसाधारण को वजरिया इश्तहार सूचित किया जाता है कि यदि किसी व्यक्ति को तारा चन्द के जन्म का इन्द्राज ग्राम पंचायत देवगढ़ में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है। अन्यथा कोई भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जाएगी और तारा चन्द के जन्म का इन्द्राज ग्राम पंचायत देवगढ़ के जन्म रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,  
तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू,  
तहसील व जिला कुल्लू, हिमाचल प्रदेश।

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ब न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू, तहसील व जिला कुल्लू, हिमाचल प्रदेश

जलसी राम

बनाम

आम जनता

श्री जलसी राम पुत्र श्री गीतू राम, साकन नथान, डाकघर भेखली, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी माता श्रीमती सूरतू देवी की मृत्यु दिनांक 5-1-1979 को हुई है। आवेदनकर्ता अपनी माता की मृत्यु का इन्द्राज रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपनी माता की मृत्यु का इन्द्राज ग्राम पंचायत कोठी सारी में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी कुल्लू तथा सचिव ग्राम पंचायत कोठी सारी द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि श्रीमती सूरतू देवी की मृत्यु का इन्द्राज उनके रिकार्ड में नहीं हुआ है।

अतः सर्वसाधारण को वजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को श्रीमती सूरतू देवी की मृत्यु का इन्द्राज ग्राम पंचायत कोठी सारी में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस को इश्तहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है। अन्यथा कोई भी उजर व एतराज न होने की

सूरत में कार्यवाही एकतरफा अमल में लाई जाएगी और श्रीमती सूरतू देवी की मृत्यु का इन्द्राज ग्राम पंचायत कोठी सारी के मृत्यु रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,  
तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू,  
तहसील व जिला कुल्लू, हिमाचल प्रदेश।

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ब न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू, तहसील व जिला  
कुल्लू, हिमाचल प्रदेश

धर्म चन्द

बनाम

आम जनता

श्री धर्म चन्द पुत्र श्री पूने राम, साकन शिम, डाकघर डोभी, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसके लड़के अमन का जन्म दिनांक 20-5-2002 को हुआ है। आवेदनकर्ता अपने लड़के के जन्म का इन्द्राज रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपने लड़के के जन्म का इन्द्राज ग्राम पंचायत मण्डलगढ़ में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी कुल्लू तथा सचिव ग्राम पंचायत मण्डलगढ़ द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि अमन के जन्म का इन्द्राज उनके रिकार्ड में नहीं हुआ है।

अतः सर्वसाधारण को वजरिया इशतहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को अमन के जन्म का इन्द्राज ग्राम पंचायत मण्डलगढ़ में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस को इशतहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है। अन्यथा कोई भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जाएगी और अमन के जन्म का इन्द्राज ग्राम पंचायत मण्डलगढ़ के जन्म रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,  
तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू,  
तहसील व जिला कुल्लू, हिमाचल प्रदेश।

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ब न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू, तहसील व जिला  
कुल्लू, हिमाचल प्रदेश

चमन लाल

बनाम

आम जनता

श्री चमन लाल पुत्र श्री जोगी राम, साकन जिया, डाकघर जिया, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी माता श्रीमती नाथी देवी की मृत्यु दिनांक 10-7-1977 को हुई है। आवेदनकर्ता अपनी माता की मृत्यु का इन्द्राज रजिस्टर में दर्ज न करवा पाया है। परन्तु अब आवेदनकर्ता अपनी माता की मृत्यु का इन्द्राज ग्राम पंचायत जिया में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी कुल्लू तथा सचिव ग्राम पंचायत जिया द्वारा रिपोर्ट प्राप्त की गई है। उसकी रिपोर्ट से पाया गया है कि श्रीमती नाथी देवी की मृत्यु का इन्द्राज उनके रिकार्ड में नहीं हुआ है।

अतः सर्वसाधारण को वजरिया इश्तहार सूचित किया जाता है कि यदि किसी व्यक्ति को नाथी देवी की मृत्यु का इन्द्राज ग्राम पंचायत जिया में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस को इश्तहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है। अन्यथा कोई भी उजर व एतराज न होने की सूरत में कार्यवाही एकतरफा अमल में लाई जाएगी और श्रीमती नाथी देवी की मृत्यु का इन्द्राज ग्राम पंचायत जिया के मृत्यु रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,  
तहसीलदार कुल्लू व कार्यकारी दण्डाधिकारी कुल्लू,  
तहसील व जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री विनय सिंह एच०ए०एस०, उप-मण्डल मैजिस्ट्रेट मनाली, जिला कुल्लू, हिमाचल प्रदेश

Tashi Wangdu s/o Shri Dakpa Bagdhu, r/o H. No. 19, Ward No. 7, Gompa Road Manali, District Kullu (H. P.).

बनाम

आम जनता

विषय.—प्रकाशन इश्तहार बाबत जन्म तिथि पंजीकरण जेर धारा 13(3) जन्म एवं मृत्यु अधिनियम, 1969.

Tashi Wangdu s/o Shri Dakpa Bagdhu, r/o H. No. 19, Ward No. 7, Gompa Road Manali, District Kullu (H. P.). ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसका अपना जन्म जो दिनांक 14-7-1973 को हुआ है, परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है, जिसे अब दर्ज करवाने के आदेश सादर फरमाए जावें।

अतः सर्वसाधारण को इस इश्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Tashi Wangdu की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 19-4-2008 को या इससे पूर्व अदालत में अपनी आपत्ति दर्ज करवा सकता है। इसके उपरांत कोई भी एतराज समायत न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 15-3-2008 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

विनय सिंह,  
उप-मण्डल मैजिस्ट्रेट मनाली,  
जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री विनय सिंह (हि० प्र० से०) उप-मण्डल दण्डाधिकारी एवं स्पेशल मैरिज ऑफिसर मनाली,  
जिला कुल्लू, हिमाचल प्रदेश

Ronit Chauhan (Ranu) s/o Shri Nand Lal, r/o Magnolia Hotel, Ward No. 6 Manali, P.O.  
Manali, Tehsil Manali, District Kullu (H. P.)

With

Anjana Devi d/o Shri Sonam Dava, r/o Village Bhajogi, P.O. & Tehsil Manali, District  
Kullu (H. P.).

बनाम

आम जनता

विषय.—स्पेशल मैरिज ऐक्ट 1954 के अन्तर्गत विवाह पंजीकृत करने बारे नोटिस।

इस अदालत में उपरोक्त प्रार्थी/प्रार्थिनी ने स्पेशल मैरिज ऐक्ट 1954 के अन्तर्गत दरखास्त गुजारी है  
कि वे उपरोक्त ऐक्ट के अन्तर्गत विवाह पंजीकृत करवाना चाहते हैं।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी को इस विवाह को  
पंजीकृत करने में किसी प्रकार का उजर व एतराज हो तो वह इस अदालत में असालतन अथवा वकालतन  
हाजिर हो कर तिथि 19-4-2008 को अपना उजर व एतराज पेश कर सकता है। इस तिथि के उपरांत किसी  
प्रकार के उजर व एतराज की सुनवाई नहीं की जाएगी तथा विवाह पंजीकरण नियमानुसार कर दिया जाएगा।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

विनय सिंह,  
उप-मण्डल दण्डाधिकारी एवं स्पेशल मैरिज ऑफिसर,  
मनाली, जिला कुल्लू, हिमाचल प्रदेश।

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ब अदालत श्री विनय सिंह (हि० प्र० से०) उप-मण्डल दण्डाधिकारी एवं स्पेशल मैरिज ऑफिसर मनाली,  
जिला कुल्लू, हिमाचल प्रदेश

Kumud Raj s/o Shri Rajender Paul, r/o House No. 55, Ward No. 2, Near Gurudwara Road  
Manali, Tehsil Manali, District Kullu (H. P.)

With

Elena Botto d/o Shri Armando Bolto, r/o Via Provinciale-7, Diano D, Alba Italian National  
Bearing Passport No. 468919W, at present House No. 55, Ward No. 2, Gurudwara Road Manali,  
District Kullu (H. P.).

बनाम

आम जनता

विषय.—स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह पंजीकृत करने बारे नोटिस।

इस अदालत में उपरोक्त प्रार्थी/प्रार्थिनी ने स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत दरखास्त गुजारी है कि वे उपरोक्त एक्ट के अन्तर्गत विवाह पंजीकृत करवाना चाहते हैं ।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी को इस विवाह को पंजीकृत करने में किसी प्रकार का उजर व एतराज हो तो वह इस अदालत में असालतन अथवा वकालतन हाजिर हो कर तिथि 19-4-2008 को अपना उजर व एतराज पेश कर सकता है। इस तिथि के उपरांत किसी प्रकार के उजर व एतराज की सुनवाई नहीं की जाएगी तथा विवाह पंजीकरण नियमानुसार कर दिया जाएगा।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

विनय सिंह,  
उप-मण्डल दण्डाधिकारी एवं स्पेशल मैरिज ऑफिसर,  
मनाली, जिला कुल्लू, हिमाचल प्रदेश।

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ब अदालत इं अनुपम कुमार, तहसीलदार एवं कार्यकारी दण्डाधिकारी लाहौल स्थान केलांग, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश

श्रीमती छेरिंग पलजोम पत्नी स्वर्गीय श्री मिफम, गांव दारचा, तहसील लाहौल, जिला लाहौल स्पिति

बनाम

आम जनता

विषय.—ग्राम पंचायत कोलंग के जन्म एवं मृत्यु पंजीकरण रजिस्टर में नाम दर्ज करने बारे।

श्रीमती छेरिंग पलजोम पत्नी स्वर्गीय श्री मिफम, गांव दारचा, तहसील लाहौल ने शपथ-पत्र व प्रार्थना-पत्र सहित आवेदन किया है कि उसके पुत्री तंजिन लामो, गांव व डाकघर दारचा, तहसील लाहौल का नाम व जन्म तिथि 15-9-1980 का हुआ है, परन्तु प्रार्थिनी किसी कारणवश ग्राम पंचायत कोलंग के जन्म एवं मृत्यु पंजीकरण रजिस्टर में दर्ज नहीं करवा पाई हैं जिसे वह अब दर्ज करवाना चाहती हैं।

अतः इस अदालत द्वारा सर्वसाधारण व हितबद्ध व्यक्ति को सूचित किया जाता है कि यदि किसी को श्रीमती छेरिंग पलजोम पत्नी स्वर्गीय श्री मिफम की पुत्री तंजिन लामो का नाम व जन्म तिथि 15-9-1980 को ग्राम पंचायत कोलंग के जन्म एवं मृत्यु पंजीकरण रजिस्टर में दर्ज करने सम्बन्धी कोई आपत्ति हो तो वे 20-4-2008 को या इससे पूर्व अदालत हजा में अपनी आपत्ति दर्ज करवा सकता है। तिथि समाप्ति के पश्चात् कोई भी उजर/एतराज समायत नहीं होगा तथा नियमानुसार प्रार्थना-पत्र पर कार्यवाही की जाएगी।

आज दिनांक 15-3-2008 को मेर हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर ।

इं अनुपम कुमार,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी लाहौल,  
स्थान केलांग, जिला लाहौल एवं स्पिति, (हि० प्र०)।



ब अदालत श्री प्रकाश चन्द आजाद, नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी, पालमपुर,  
जिला कांगड़ा, हिमाचल प्रदेश

उनवान मुकद्दमा :

श्री छक्का उर्फ वचित्र सिंह पुत्र श्री रोवन, निवासी ककड़ै, मौजा ननाओ, जिला कांगड़ा . . प्रार्थी।

बनाम

सर्वसाधारण एवं आम जनता

प्रार्थना—पत्र नाम दुरुस्ती।

प्रार्थी श्री छक्का उर्फ वचित्र सिंह पुत्र श्री रोवन ने इस अदालत में प्रार्थना—पत्र प्रस्तुत किया है कि प्रार्थी का नाम राजस्व अभिलेख में छक्का दर्ज है जबकि प्रार्थी का नाम वचित्र सिंह है।

अतः इस इशतहार द्वारा हर खास व आम को सूचित किया जाता है कि यदि किसी को उक्त नाम दुरुस्ती बारे आपत्ति हो तो वह दिनांक 1—5—2008 को अदालतन/वकालतन अपना उजर/एतराज अदालत में हाजिर आकर पेश कर सकता है। इसके बाद कोई उजर/एतराज नहीं सुना जाएगा।

आज दिनांक 12—3—2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

प्रकाश चन्द आजाद,  
नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी,  
पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश।

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ब अदालत श्री शिव लाल बन्सल, तहसीलदार एवं कार्यकारी दण्डाधिकारी, तहसील धर्मशाला, जिला कांगड़ा,  
हिमाचल प्रदेश

विशम्बर नाथ

बनाम

आम जनता

विषय.—दरखास्त बराये नाम दुरुस्ती बारे।

नोटिस बनाम आम जनता।

उपरोक्त मुकद्दमा श्री विशम्बर नाथ पुत्र श्री सुका राम, निवासी पासू ने दिनांक 25—2—2008 को इस अदालत में प्रार्थना—पत्र पेश किया है कि उसका नाम राजस्व रिकार्ड में भुटो व स्कूल प्रमाण—पत्र, परिवार रजिस्टर में विशम्बर नाथ है। अब उसका नाम राजस्व रिकार्ड में विशम्बर नाथ लिखा जावे। दुरुस्ती चाही है।

अतः इस इशतहार द्वारा हर खास को सूचित किया जाता है कि यदि किसी को उक्त नाम की दुरुस्ती बारे कोई एतराज हो तो वह दिनांक 21—4—2008 को प्रातः 10.00 बजे या इससे पूर्व अदालत में हाजिर होकर

अपना एतराज पेश कर सकता है अन्यथा एतराज न पेश करने पर एक तरफा कार्यवाही अमल में लाई जाकर नाम दुरुस्ती के आदेश पारित कर दिए जाएंगे।

आज दिनांक 10-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

शिव लाल बन्सल,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
तहसील धर्मशाला, जिला कांगड़ा (हि० प्र०)।

न्यायालय उप-मण्डल दण्डाधिकारी, भटियात (चुवाड़ी), जिला चम्बा, हिमाचल प्रदेश

श्री हरी सिंह पुत्र श्री दुनी चन्द, निवासी मतीहार, परगना होवार, तहसील भटियात, जिला चम्बा (हि० प्र०) . . प्रार्थी।

बनाम

आम जनता

विषय.—जन्म तिथि दुरुस्त करवाने हेतु प्रार्थना—पत्र।

उपरोक्त श्री हरी सिंह, प्रार्थी ने एक प्रार्थना—पत्र ब्यान हल्फी सहित प्रस्तुत करके प्रार्थना की है कि उसकी सही जन्म तिथि 1-4-1950 है। किन्तु गलती से पंचायत रिकार्ड में 20/73 दर्ज है जोकि गलत है। सही जन्म तिथि 1-4-1950 दर्ज करने के आदेश जारी किये जाएं।

अतः वजरिया इश्तहार सर्वसाधारण जनता को सूचित किया जाता है कि उपरोक्त श्री हरी सिंह, प्रार्थी की सही जन्म तिथि 1-4-1950 दर्ज दर्ज करने बारे किसी को कोई उजर/एतराज हो तो वह अपना एतराज असालतन या वकालतन दिनांक 21-4-2008 को या इससे पूर्व इस अदालत में हाजर होकर प्रस्तुत करे। अन्यथा सही जन्म तिथि दर्ज करने के आदेश जारी कर दिए जाएंगे।

आज दिनांक 7-3-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
उप-मण्डल दण्डाधिकारी,  
भटियात (चुवाड़ी), जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री इन्द्र सिंह, सहायक समाहर्ता, द्वितीय श्रेणी डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री कर्म चन्द सुपुत्र श्री जगता, निवासी मौजा द्रवड़, डाकघर गोली, तहसील डलहौजी, हिमाचल प्रदेश . . प्रार्थी।

बनाम

आम जनता

.. प्रत्यार्थीगण।

प्रार्थना-पत्र नाम दुरुस्ती बारे।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फी इस आशय से गुजारा है कि उसका नाम कर्म चन्द है जोकि ग्राम पंचायत में सही है। लेकिन राजस्व विभाग के मुहाल द्रवड में गलती से कर्मो लिखा गया है। जिसकी दुरुस्ती की जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के नाम दुरुस्ती बारे यदि किसी को कोई उजर/एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी मिति 16-4-2008 को आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में नाम दुरुस्ती के आदेश दे दिए जाएंगे।

आज दिनांक 12-3-2008 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

इन्द्र सिंह,  
सहायक समाहर्ता द्वितीय वर्ग,  
डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री संजीव शर्मा, सहायक समाहर्ता प्रथम वर्ग, डलहौजी, जिला चम्बा (हि० प्र०)

श्री हेम राज सुपुत्र श्री जलो राम, निवासी गांव रूलियाणी, डाकघर डलहौजी कैट, तहसील डलहौजी, जिला चम्बा (हि० प्र०) प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

विषय.-प्रार्थना-पत्र नाम दुरुस्ती बारे।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फी इस आशय से गुजारा है कि उसकी मौसी का सही नाम शाकुन्तला देवी है, लेकिन राजस्व विभाग के मुहाल रूलियाणी, पटवार वृत्त रूलियाणी में शाकुन्तला के बजाए चीनो दर्ज है। जिसे दुरुस्त किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी की मौसी शाकुन्तला देवी के नाम दुरुस्ती बारे यदि किसी को कोई उजर/एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी आकर मिति 17-4-2008 को अपना एतराज पेश/दर्ज करवा सकता है अन्यथा गैर हाजरी की सूरत में नाम दुरुस्ती के आदेश दे दिए जाएंगे।

आज दिनांक 12-2-2008 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

संजीव शर्मा,  
सहायक समाहर्ता प्रथम वर्ग, डलहौजी,  
जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री इन्द्र सिंह, कार्यकारी दण्डाधिकारी, डलहौजी, जिला चम्बा (हि० प्र०)

श्री राजेश कुमार सुपुत्र श्री फकीर चन्द, निवासी गांव कुन्ना, डाकघर बलेरा, तहसील डलहौजी, जिला चम्बा (हि० प्र०) प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना—पत्र मय ब्यान हल्फी इस आशय से गुजारा है कि उसकी पुत्री नेहा देवी की जन्म तिथि 1-1-2006 है, जो कि ग्राम पंचायत जियुन्ता के रिकार्ड में दर्ज न है, जिसे अब दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी की पुत्री नेहा देवी की जन्म तिथि ग्राम पंचायत के रिकार्ड में दर्ज करने पर यदि किसी को कोई आपत्ति या एतराज हो तो वह दिनांक 16-4-2008 को असालतन या वकालतन अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है अन्यथा एक तरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 13-3-2008 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

इन्द्र सिंह,  
कार्यकारी दण्डाधिकारी, डलहौजी,  
जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवं तहसीलदार भटियात, चुवाड़ी,  
जिला चम्बा, हिमाचल प्रदेश

मदन लाल पुत्र श्री तुलसी राम, निवासी भेकड़, डाकघर वकलोह, तहसील भटियात, जिला चम्बा,  
हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

विषय.—प्रार्थना—पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण ग्राम पंचायत ककीरा जरैई, तहसील भटियात,  
जिला चम्बा (हि० प्र०) में अपने लड़के का नाम व जन्म तिथि दर्ज करवाने के सम्बन्ध में।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना—पत्र व ब्यान हल्फी इस आशय से गुजारा है कि प्रार्थी का लड़का नाम कृशमदन व जन्म तिथि 7-1-2007 है, जोकि ग्राम पंचायत ककीरा जरैई में दर्ज नहीं है, जिसे दर्ज किया जाए।

इस सम्बन्ध में सर्वसाधारण को बजरिया सूचित किया जाता है कि यदि कृशमदन पुत्र श्री मदन लाल का नाम व जन्म तिथि ग्राम पंचायत ककीरा जरैई में दर्ज करने पर किसी को कोई उजर/एतराज हो तो वह दिनांक 21-4-2008 को असालतन या वकालतन हाजर अदालत में होकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में उपरोक्त नाम व जन्म तिथि दर्ज करने के आदेश दे दिए जाएंगे।

आज दिनांक 13-3-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

प्रताप सिंह ठाकुर,  
कार्यकारी दण्डाधिकारी एवं तहसीलदार,  
भटियात चुवाड़ी, हिमाचल प्रदेश।

ब अदालत श्री रोहित जमवाल, उप-मण्डल मैजिस्ट्रेट अरकी, जिला सोलन, हिमाचल प्रदेश

श्री नीम चन्द पुत्र श्री दिला राम, निवासी ग्राम समत्याड़ी, पो० ओ० कन्धर, तहसील अरकी, जिला सोलन, हिमाचल प्रदेश।

बनाम

आम जनता

. प्रतिवादीगण।

विषय.—प्रार्थना—पत्र नाम दुरुस्ती बारे।

प्रार्थी उपरोक्त ने इस अदालत में प्रार्थना—पत्र दायर कर रखा है कि उसका नाम स्कूल प्रमाण—पत्र में नीम चन्द है जोकि सही नाम है परन्तु पंचायत रिकार्ड में उसका नाम नीमीया दर्ज है जोकि गलत है। अब वह ग्राम पंचायत मांगल के अभिलेख में सही नाम नीम चन्द दर्ज करवाना चाहता है।

अतः इस इशतहार राजपत्र हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस बारे कोई आपत्ति हो तो वह दिनांक 10-4-2008 को प्रातः 10 बजे अदालतन हाजिर आकर इस न्यायालय में प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर व एतराज समायत न होगा तथा नीम चन्द पुत्र श्री दिला राम, निवासी समत्याड़ी का नाम नीमीया उर्फ नीम चन्द को ग्राम पंचायत मांगल के अभिलेख में दर्ज करने के आदेश कर दिया जाएगा।

आज दिनांक 10-3-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

रोहित जमवाल,  
उप-मण्डल मैजिस्ट्रेट अरकी,  
जिला सोलन, हिमाचल प्रदेश।

ब अदालत श्री रोहित जमवाल, उप-मण्डल मैजिस्ट्रेट अरकी, जिला सोलन, हिमाचल प्रदेश

श्री नरेन्द्र कुमार पुत्र श्री बाबू राम, निवासी ग्राम सहनाली, पो० ओ० कन्धर, तहसील अरकी, जिला सोलन, हिमाचल प्रदेश।

बनाम

आम जनता

. प्रतिवादीगण।

विषय.—प्रार्थना—पत्र नाम दुरुस्ती बारे।

प्रार्थी उपरोक्त ने इस अदालत में प्रार्थना—पत्र दायर कर रखा है कि उसका नाम स्कूल प्रमाण—पत्र में नरेन्द्र कुमार है जोकि सही नाम है परन्तु पंचायत रिकार्ड में उसका नाम नीटू दर्ज है जोकि गलत है। अब वह ग्राम पंचायत मांगल के अभिलेख में सही नाम नरेन्द्र कुमार दर्ज करवाना चाहता है।

अतः इस इशतहार राजपत्र हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस बारे कोई आपत्ति हो तो वह दिनांक 10-4-2008 को प्रातः 10 बजे अदालतन हाजिर आकर इस न्यायालय में प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर व एतराज समायत न होगा तथा नरेन्द्र कुमार पुत्र श्री बाबू राम, निवासी ग्राम सहनाली का नाम नीटू उर्फ नरेन्द्र कुमार को ग्राम पंचायत मांगल के अभिलेख में दर्ज करने का आदेश कर दिया जाएगा।

आज दिनांक 10-3-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

रोहित जमवाल,  
उप-मण्डल मैजिस्ट्रेट अरकी,  
जिला सोलन, हिमाचल प्रदेश।

ब अदालत श्री रोहित जमवाल, उप-मण्डल मैजिस्ट्रेट अरकी, जिला सोलन, हिमाचल प्रदेश

श्री मनशा राम पुत्र श्री पूर्ण चन्द, निवासी ग्राम समत्याड़ी, पो० ओ० कन्धर, तहसील अरकी, जिला सोलन, हिमाचल प्रदेश।

बनाम

आम जनता

. प्रतिवादीगण।

विषय.—प्रार्थना—पत्र नाम दुरुस्ती बारे।

प्रार्थी उपरोक्त ने इस अदालत में प्रार्थना—पत्र दायर कर रखा है कि उसका नाम स्कूल प्रमाण—पत्र में मनशा राम व जन्म तिथि 2-5-1979 है जबकि पंचायत रिकार्ड में उसका नाम मस्त राम व जन्म तिथि 1977 दर्ज है जोकि गलत है। अब वह ग्राम पंचायत के अभिलेख में सही नाम मनशा राम व सही जन्म तिथि 2-5-1979 दर्ज करवाना चाहता है।

अतः इस इशतहार राजपत्र हिमाचल प्रदेश द्वारा आम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस बारे कोई आपत्ति हो तो वह दिनांक 22-4-2008 को प्रातः 10 बजे अदालत हाजिर आकर इस न्यायालय में प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर व एतराज समायत न होगा तथा मनशा राम पुत्र श्री पूर्ण चन्द, निवासी समत्याड़ी का नाम मस्त राम उर्फ मनशा राम व जन्म तिथि 2-5-1979 को ग्राम पंचायत मांगल के अभिलेख में दर्ज करने का आदेश कर दिया जाएगा।

आज दिनांक 14-3-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

रोहित जमवाल,  
उप-मण्डल मैजिस्ट्रेट अरकी,  
जिला सोलन, हिमाचल प्रदेश।

ब अदालत श्री चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी ऊना, तहसील व जिला ऊना, हिमाचल प्रदेश

मोहिन्द्र सिंह

बनाम

आम जनता।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री मोहिन्द्र सिंह पुत्र श्री दया राम, निवासी कुरियाला, तहसील ऊना, जिला ऊना (हि० प्र०) ने इस अदालत में दरखास्त दी है कि उसके पुत्र वंश ठाकुर का जन्म गांव कुरियाला में दिनांक 9-4-2006 को

हुआ था, परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका । अब पंजीकरण करने के आदेश दिए जावें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म के पंजीकरण बारे कोई उजर/एतराज हो तो वह दिनांक 19-4-2008 को सुबह 10.00 बजे अधोहस्ताक्षरी के समक्ष असालतन/वकालतन हाजिर आकर पेश कर सकता है। अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिए जाएंगे।

आज दिनांक 15-3-2008 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

चैन सिंह ठाकुर,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी ऊना,  
तहसील व जिला ऊना, हिमाचल प्रदेश।

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ब अदालत श्री चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी ऊना, तहसील व जिला ऊना,  
हिमाचल प्रदेश

जरनैल सिंह

बनाम

आम जनता।

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री जरनैल सिंह पुत्र श्री भजन सिंह, निवासी हाजीपुर, तहसील नंगल, जिला रोपड़ (पंजाब) ने इस अदालत में दरखास्त दी है कि उसके पुत्र चरणजीत सिंह का जन्म गांव सनोली में दिनांक 11-11-1992 को हुआ था, परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका । अब पंजीकरण करने के आदेश दिए जावें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म के पंजीकरण बारे कोई उजर/एतराज हो तो वह दिनांक 19-4-2008 को सुबह 10.00 बजे अधोहस्ताक्षरी के समक्ष असालतन/वकालतन हाजिर आकर पेश कर सकता है। अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिए जाएंगे।

आज दिनांक 15-3-2008 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

चैन सिंह ठाकुर,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी ऊना,  
तहसील व जिला ऊना, हिमाचल प्रदेश।

ब अदालत श्री चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी ऊना, तहसील व जिला ऊना,  
हिमाचल प्रदेश

गुरनाम सिंह

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री गुरनाम सिंह पुत्र श्री राम आसरा, निवासी रायपुर सहोड़ा, तहसील ऊना, जिला ऊना (हि० प्र०) ने इस अदालत में दरखास्त दी है कि उसकी पुत्री रंजनी का जन्म गांव रायपुर सहोड़ा में दिनांक 6-11-2001 को हुआ था, परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका। अब पंजीकरण करने के आदेश दिए जावें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म के पंजीकरण बारे कोई उजर/एतराज हो तो वह दिनांक 19-4-2008 को सुबह 10.00 बजे अधोहस्ताक्षरी के समक्ष असालतन/वकालतन हाजिर आकर पेश कर सकता है। अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिए जाएंगे।

आज दिनांक 15-3-2008 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

चैन सिंह ठाकुर,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी ऊना,  
तहसील व जिला ऊना, हिमाचल प्रदेश।